

Please note: these transcripts are not individually reviewed and approved for accuracy.

BOARD MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD

JOE SERNA, JR., CALEPA BUILDING
1001 I STREET
2ND FLOOR
CENTRAL VALLEY AUDITORIUM
SACRAMENTO, CALIFORNIA

TUESDAY, MARCH 14, 2006

9:30 A.M.

TIFFANY C. KRAFT, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 12277

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Ms. Margo Reid Brown, Chair

Mr. Jeffrey Danzinger

Ms. Rosalie Mul

Ms. Cheryl Peace

Mr. Gary Petersen

Ms. Patricia Wiggins

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Ms. Jennine Harris, Executive Assistant

Mr. Elliot Block, Staff Counsel

Mr. Steve Body, Staff

Mr. Harllee Branch, Staff Counsel

Ms. Wendy Breckon, Senior Staff Counsel

Mr. Mitch Delmage, Manager, Waste Tire Program

Mr. Nate Gauff, Staff

Mr. Bob Fujii, Supervisor, Remediation & Engineering
Technical Services Section

Mr. Albert Johnson, Staff

Mr. Jim Lee, Deputy Director

Mr. Howard Levenson, Deputy Director, Permitting and
Enforcement Division

Ms. Corky Mau, Supervisor, RMDZ Program

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES CONTINUED

STAFF

Ms. Dassi Pintar, Staff

Mr. John Smith, Acting Deputy Director

Mr. Kevin Taylor, Supervisor, Business Resource Efficiency

ALSO PRESENT

Mr. Wayne Chisholm, City of Santa Maria

Mr. Gary Dellavecchia, EERG

Ms. Karen Gerbosi, Beebe Family Ranch

Mr. Richard Idell, Universal Portfolio

Mr. Alan Nakashima, Program Specialist, County of Santa
Barbara

Mr. Joe Pozzi, Gold Ridge Resource Conservation District

Mr. Mark Schleich, Deputy Director, County of Santa
Barbara

Mr. Silacci, landowner

Ms. Leandra Swent, South Sonoma County Resource
Conservation District

Mr. John Zhao, City of Santa Maria

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

INDEX

	Page
I. CALL TO ORDER	1
II. ROLL CALL AND DECLARATION OF QUORUM	1
Pledge Of Allegiance	
III. OPENING REMARKS	
IV. REPORTS AND PRESENTATIONS	
V. PUBLIC COMMENT	
VI. NEW BUSINESS AGENDA ITEMS	
Sustainability And Market Development	
IV. REPORTS AND PRESENTATIONS	
Executive Director Presentation: National City	14
Dump Freecycle Presentation	
V. PUBLIC COMMENT	
VI. CONSENT AGENDA	
VII. CONTINUED BUSINESS AGENDA ITEMS	
1. Consideration Of Application To Renew The	57
Santa Barbara County Zone Designation	
Motion	74
Vote	75
VIII. NEW BUSINESS AGENDA ITEMS	
Permitting And Enforcement	
2. Consideration Of Approval Of A Contractor For	35
The Engineering Services Contract For Landfill	
And Disposal Site Remediation Under The Solid	
Waste Disposal And Codisposal Site Cleanup	
Program	
Motion	39
Vote	39

INDEX CONTINUED

	Page
3. Consideration Of Approval Of A Contractor For The Environmental Services Contract For Landfill And Disposal Site Remediation For Northern California Under The Solid Waste Disposal And Codisposal Site Cleanup Program	39
Motion	40
Vote	40
4. Consideration Of Approval Of A Contractor For The Environmental Services Contract For Landfill And Disposal Site Remediation For Southern California Under The Solid Waste Disposal And Codisposal Site Cleanup Program (Solid Waste Disposal Trust Fund, FYs 2005/06, 2006/07, And 2007/08)	40
Motion	41
Vote	41
5. Consideration Of The Grant Awards For The Farm And Ranch Solid Waste Cleanup And Abatement Grant Program (Farm and Ranch Cleanup Account, FY 2005/06) -- (Committee Item E)	41
Motion	43
Vote	44
6. Discussion of Local Enforcement Agency Evaluations -- (Committee Item F)	
Special Waste	
7. Consideration Of Scope Of Work And Contractor For The 2007 Used Oil Recycling/Household Hazardous Waste Conference (Used Oil Recycling Fund, FY 2005/06) -- (Committee Item B)	44
Motion	45
Vote	45
8. PULLED Consideration Of The Issuance Of A Major Waste Tire Facility Permit To Tri-C Tire Recycling, Inc., Sacramento County -- (Committee Item C)	

INDEX CONTINUED

	Page
9. Consideration Of Adoption Of Comprehensive Trip Log Regulations For Waste Tire Hauler Manifesting Requirements For Retreaders, Used And Waste Tire Haulers, Generators, And End-Use Facilities -- (Committee Item D)	34
Motion	34
Vote	34
10. Consideration Of Awards For The Targeted Rubberized Asphalt Concrete Incentive Grant Program (Tire Recycling Management Fund, FY 2005/06) -- (Committee Item E)	45
Motion	53
Vote	53
11. Report On The Status Of And Request For Direction For The Remediation Of The Sonoma County Waste Tire Sites -- (Committee Item G)	93
12. Consideration Of Award For Waste Tire Enforcement Grant To The California District Attorneys Association Circuit Prosecutor Project (Tire Recycling Management Fund, FY 2005/06) -- (Committee Item F)	54
Motion	56
Vote	56
Sustainability And Market Development	
13. Consideration Of The Amended Nondisposal Facility Element For The Unincorporated Area Of San Diego County -- (Committee Item B)	34
Motion	34
Vote	34
14. Consideration Of The Five-Year Review Report Of The Countywide Integrated Waste Management Plan For The County Of Fresno -- (Committee Item C)	34
Motion	34
Vote	34
15. PULLED Consideration Of The Recycling Market Development Revolving Loan Program Application For eCullet Inc. (Recycling Market Development Account, FY 2005/06) -- (Committee Item E)	

INDEX CONTINUED

	Page
16. Consideration Of Application To Redesignate The Northeastern California Recycling Market Development Zone -- (Committee Item G)	76
17. PULLED Consideration Of Whether To Initiate A Recycling Market Development Zone Designation Cycle For 2006 -- (Committee Item H)	
Other	
18. PULLED Consideration Of Allocation Proposals To Be Funded From The Integrated Waste Management Account For Fiscal Year 2005/06	
X. ADJOURNMENT	154
XI. REPORTER'S CERTIFICATE	156

1 PROCEEDINGS

2 CHAIRPERSON BROWN: Good morning, everybody. I'd
3 like to call this meeting to order.

4 Can we call the roll please, Jennine?

5 EXECUTIVE ASSISTANT HARRIS: Danzinger?

6 BOARD MEMBER DANZINGER: Here.

7 EXECUTIVE ASSISTANT HARRIS: Mulé?

8 BOARD MEMBER MULÉ: Here.

9 EXECUTIVE ASSISTANT HARRIS: Peace?

10 COMMITTEE MEMBER PEACE: Here.

11 EXECUTIVE ASSISTANT HARRIS: Petersen?

12 BOARD MEMBER PETERSEN: Here.

13 EXECUTIVE ASSISTANT HARRIS: Wiggins?

14 COMMITTEE MEMBER WIGGINS: Here.

15 EXECUTIVE ASSISTANT HARRIS: And Brown?

16 CHAIRPERSON BROWN: Here.

17 Any ex partes to report?

18 BOARD MEMBER MULÉ: Madam Chair, I just spoke to
19 Kent Stoddard and Deron Beal regarding Freecycle. Other
20 than that, I'm up to date.

21 CHAIRPERSON BROWN: Thank you.

22 Member Mulé.

23 BOARD MEMBER PETERSEN: Excuse me, Madam Chair.
24 I talked to Kent and Deron, too.

25 CHAIRPERSON BROWN: Thank you, Member Petersen.

1 COMMITTEE MEMBER PEACE: I'm up to date.

2 CHAIRPERSON BROWN: Thank you.

3 I would like to remind everybody to please turn
4 your cell phones onto the vibrate. And we'd also like to
5 make a special request. If you do have PDA devices and
6 you intend to speak, we would like to request that you
7 turn those off completely. They do interfere with the
8 audio visual equipment.

9 There are speaker slips in the back of the room.
10 If anybody would like to request to speak on any item
11 before the Board today, we'd like you to fill those out
12 and bring them to the table.

13 And now I'd like to go to Board reports. Member
14 Danzinger.

15 BOARD MEMBER DANZINGER: I have nothing to
16 report, other than I'm having a great time getting up to
17 speed. And I appreciate all the help from staff in
18 getting me there.

19 CHAIRPERSON BROWN: Thank you.

20 Member Mulé.

21 BOARD MEMBER MULÉ: Thank you, Madam Chair.

22 Just a few items. On February 15th and 16th in
23 Ontario and then February 28th in Stockton, I attended our
24 staff-sponsored Landfill Postclosure Land Use Symposium.
25 And I just have to say -- I'll repeat it. I mentioned

1 this at the Committee meeting. This is probably one of
2 the best events that I've been to since I've been at the
3 Board. First of all, we had a full house at both
4 symposia. Over 100 people attended both. And, Howard,
5 I'm not going to steal your thunder. But I just want to
6 give a little bit of an overview. There was a cross
7 section of interest that included solid waste operators,
8 planners, developers, engineers, attorneys. And the
9 presentations included case studies on successful land use
10 development at formerly sited landfills as well as some
11 not so successful developments. And it was really
12 definitely a worthwhile and timely issue I think as we all
13 see the continued pressure for development here in
14 California, especially in urban areas.

15 On February 16th, I was sitting in or standing in
16 for Board Member Petersen at the SWANA Southern California
17 Chapter Meeting and gave them a presentation on the Board
18 accomplishments and updates. And they were actually very
19 impressed. Again, they had no idea that we were involved
20 in the number of and variety of programs that we are. So
21 it was definitely worthwhile time spent there.

22 On February 17th, I had the opportunity to tour
23 the Inland Empire Utilities Agency and Garden Products
24 facilities as well. Inland Empire Utility Agency is
25 building a co-composting facility where they're going to

1 take some green and woody waste and mix it with some
2 biosolids and create a soil amendment. And this is a
3 completely enclosed indoor facility. It's costing them a
4 lot of money, but again they feel they're dealing with
5 these materials responsibly. And it's going to be quite
6 the facility, state-of-the-art, when it opens in August.

7 And then I'm not going to talk -- I'm just going
8 to talk a little bit about the Education and Environment
9 Initiative. Mark Leary and I attended a meeting with the
10 Annenberg Foundation.

11 And, Mark, I'll let you talk a little bit more
12 about that.

13 But very, very excellent meeting, very productive
14 meeting. Annenberg is very interested in working with us
15 and Cal/EPA with this initiative. And just very excited
16 to have them as a partner with us.

17 And that concludes my report. Thank you.

18 CHAIRPERSON BROWN: Thank you very much.

19 Member Peace.

20 COMMITTEE MEMBER PEACE: I want to thank you,
21 Board Member Mulé, for being so involved in the
22 environmental initiative there and trying to get the
23 funding and pushing that along. That's great you're
24 taking a lead on that.

25 On February 17th, I toured Tierra Verde

1 Industries in Alpine. It's a large composting facility,
2 and they also have a C&D facility there. It's really
3 interesting that almost all the residential green waste
4 that goes to that facility is being used for ADC because
5 of contamination.

6 So I'll stress it again, education of the public
7 is so important. It's my understanding our Office of
8 Public Affairs is working on a newsletter template that
9 jurisdictions can download off the web and they can modify
10 that to meet their needs. I really look forward to that
11 being available. All of the jurisdictions should be
12 strongly encouraged to require their haulers to send
13 newsletters at least four times a year to keep the public
14 informed, whether it's information on e-waste, u-waste,
15 oil disposal, household hazardous waste, or just what, you
16 know, is expected of them that they can put into their
17 green container, their gray container, their blue
18 container. The public needs to hear it and they need to
19 hear it over and over again.

20 Like many other cities in California, Irvine is
21 experiencing a housing boom. The avocado and orange
22 fields are being leveled to make room for large
23 developments. And composting facilities such as Tierra
24 Verde are being encroached upon and forced to move. But
25 finding a new location is difficult. The only reason

1 Tierra Verde got the City's attention and a little help in
2 trying to find a new location was because they threw up
3 their hands and said, "Fine, if you don't help us find a
4 new location, we'll shut down and leave. And just watch
5 your city's diversion rate go from 50 to 34 percent." So
6 it's like, okay. We'll try to help you find a new spot.
7 But I know this is a problem for them, and I'm sure it's a
8 difficult situation that's happening all up and down our
9 state.

10 And yesterday I had lunch with Patty Garamendi
11 who's now the Assistant Manager at the California
12 Exposition and State Fair. And she presented me for the
13 Board an award and a gold plaque for building and
14 landscape product design. It was for the Board's
15 participation last year in the State Fair. It was the
16 Tire Program had a competition and a display at the State
17 Fair for tire-derived products. And we had all sorts of
18 interesting things from blocks and concrete blocks
19 containing crumb rubber to flower pots, you know, made out
20 of used tires to, you know, the garden made out of tires.
21 So this is an award for the Tire Program. And, you know,
22 I don't know if we've discussed even doing something like
23 that again next year. So I guess it's probably something
24 we should discuss whether we're going to continue to do
25 this.

1 That concludes my report.

2 CHAIRPERSON BROWN: Thank you, Member Peace.

3 Congratulations, Jim Lee, in your participation
4 with the State Fair.

5 Board Member Petersen.

6 BOARD MEMBER PETERSEN: Good morning.

7 By the way, Board Member Peace, thank you for
8 chairing my meeting my Committee meeting last week. It
9 was very helpful. I couldn't talk, so, and that's very
10 strange for me.

11 Anyway, a little report. We've been really
12 travelling around the state looking at programs and things
13 that are happening in the state, such as the Sun Valley
14 paper stock issue with the overages coming out of the
15 single source curbside programs. We talked with them.

16 E&O Plastics, we went and visited their new
17 plant, which is going to be recycling ag film, which is --
18 these guys are good. And I'm glad we're very involved
19 with them. They're going to do a great job.

20 Visited with Heal the Bay on the Ed Program. And
21 talked with them a little bit, because I used to be on
22 their Board. And we also have talked to several equipment
23 manufacturers about the possibilities of designing some
24 new equipment to help recycle ag film plastics.

25 We had a meeting reception with the Environmental

1 Media Association and our staff, Jon, Chris, and the
2 Corporate Advisory Board for EMA as well regarding cross
3 marketing and educational things we can do together using
4 the infrastructure within the Hollywood community, which
5 is very interested in working with us on some of these
6 issues.

7 Visited with the City of L.A. about their
8 recycling program and what they're doing, which included a
9 meeting about universal waste with the Los Angeles
10 Conservation Corps and looking how we can kick start a
11 collection program, because everybody is talking about
12 collection, collection. So we went to a source where the
13 CCs around the states are uniquely situated, where we as
14 recyclers, means as business recyclers, could not go and
15 do a program, because they're too expensive. So we would
16 work hand in hand with the CCs to get them to work with us
17 on collection of those programs. And we think we might
18 have a start button here. So we're looking at that.

19 And visited with the County of Santa Barbara
20 about the Zone Program.

21 And I think that's about it. I'm tired. Thank
22 you.

23 CHAIRPERSON BROWN: Thank you, Member Petersen.
24 Member Wiggins.

25 COMMITTEE MEMBER WIGGINS: On February 17th, I

1 don't know if that was a Friday, but it was Friday, I
2 visited the Arcadia Community Recycling Center, and this
3 was -- the Executive Director is Mark Loughmiller. And
4 this is a one-stop shop. And they have -- well, I think
5 Gary helped get them going. So they have a thrift store
6 where recycled products are sold, and they have hazardous
7 waste. You can turn everything in. Everything is there.
8 And people are very active and participating, because of
9 course this is Arcadia.

10 Then the next day, Saturday, I went to the Eureka
11 site. It's the Humboldt Waste Authority site, and it is a
12 recycling center and transfer station. And Gerald
13 Kindsfather is the Executive Director in charge of that.
14 So they were very busy, and they have, you know, a huge
15 job. But they have yard waste that cannot go to the
16 mid-level, because the Board did away with mid-level
17 for -- and that's a problem, because they are restricted
18 to being at the small level, because it's either small or
19 huge. And I guess the big guys got their way and did away
20 with the mid-level. So that's something that I think we
21 need to look at again so that they can have recycling of
22 yard waste in a bigger way than they are asked to do and
23 capable of doing. So that's it for them.

24 CHAIRPERSON BROWN: Thank you, Member Wiggins.

25 Everybody has been extremely busy. I've

1 obviously spent my last month getting up to speed with the
2 staff. I want to appreciate all of the Deputy Directors
3 of the divisions for bringing me up to speed on the great
4 work the Waste Board is doing.

5 And I'd like to now turn to Executive Director's
6 report, Mark.

7 (Thereupon an overhead presentation was
8 presented as follows.)

9 EXECUTIVE DIRECTOR LEARY: Thank you, Madam
10 Chair. And good morning, Members. I have a couple of
11 brief items.

12 First, I'd like to report on the progress, I
13 think probably nearly the completion, if not the total
14 completion of the National City cleanup that occurred in
15 San Diego County. The Board may remember, if you've been
16 here a while, back in July of 2002, the Board provided
17 \$750,000 for the purposes of cleanup of the National City
18 Dump in San Diego County.

19 --o0o--

20 EXECUTIVE DIRECTOR LEARY: Let me remind you that
21 back in the 1920s to 1950, the facility was operated as an
22 open dump in which solid waste as sorted, burned, and
23 disbursed into the marsh. There are no available records
24 of the disposal operation, but there was evidence of
25 burned solid waste within the marsh and within areas

1 adjacent to Paradise Creek.

2 --o0o--

3 EXECUTIVE DIRECTOR LEARY: The extent of the
4 solid waste facility appeared to extend on to several
5 properties, including the property recently acquired by
6 National City, as well as property owned by US Fish and
7 Wildlife Service. National City and US Fish and Wildlife
8 Service had performed extensive investigations to --

9 --o0o--

10 EXECUTIVE DIRECTOR LEARY: -- characterize the
11 extent of contamination associated with the dump.
12 Analysis performed on waste samples had indicated the dump
13 contains non-RCRA hazardous levels of metals.

14 In addition to the National City Dump, in the
15 eastern portion of the site, the site also included a
16 slaughter house, meat packing plant, metal and battery
17 recycling, railroad support, and olive oil plants. But
18 under the direction of the Community Development
19 Commission and with your --

20 --o0o--

21 EXECUTIVE DIRECTOR LEARY: -- support, the work
22 began under the Solid Waste Facility Cleanup Program in
23 October of 2004. But near record rainfalls and some
24 design changes delayed completion until March 8th of this
25 year.

1 --o0o--

2 EXECUTIVE DIRECTOR LEARY: We were able to turn
3 the site back over to the Community Development
4 Commission. Some portions of the remediation costs will
5 be repaid to the Board under agreements with prior
6 property owners and the new site developer.

7 --o0o--

8 EXECUTIVE DIRECTOR LEARY: As you can see, that's
9 what the site look likes today. A fairly big project and
10 it's the beginning of a much greater development plan by
11 the City for the entire area.

12 The US Fish and Wildlife Service would like to
13 use this to show how combined efforts can achieve a
14 cleanup. They have had a very good local support from
15 various groups and school kids of maintaining the schools
16 in the area. Our Office of Public Affairs will be working
17 with the City and the Fish and Wildlife Service on having
18 a media event at that site perhaps in early April.

19 Following the cue from Member Mulé, I'd like to
20 just briefly report on -- the Board will recall that in
21 the Environmental and Education Initiative, the statute
22 1548 and 1721 allows private sources of funding to further
23 the efforts of the Education and Environment Initiative.
24 And in that respect, Heal the Bay, the sponsor of the
25 legislation, together with Cal/EPA and Waste Board staff

1 have been meeting with large private charitable community
2 service foundations, like the Annenberg Foundation, to
3 offer the initiative for their consideration for funding
4 into the future.

5 Recognizing that changing the culture of
6 California's education in a way that effects and
7 positively represents education is going to be a long-term
8 kind of generational change. To go through the whole
9 sequence of curriculum changes, we've estimated it will
10 take ten to twelve years. So with that view, it's clear
11 that we need more than strictly public sector moneys. The
12 private sector has an interest, and it appears as a result
13 of some preliminary meetings very interested in not only
14 providing some financial support, but also to facilitate
15 access to other foundations to reach out to them.

16 So as Member Mulé said, we had an outstanding
17 meeting with the Annenberg Foundation and a huge private
18 sector foundation as well as past meetings with the Packer
19 Foundation. So we're looking forward to progress in this
20 area, and hopefully down the road maybe some private
21 sector funding to carry this generation changing effort in
22 the Education and the Environment.

23 Without any further questions, I'd like to
24 introduce our presenter this morning. But I'll pause for
25 a second, if there's any questions on what I've reported

1 until now.

2 CHAIRPERSON BROWN: Any questions?

3 No. Thank you, Mark. The EEI Program is a
4 tremendous opportunity for the Board to be involved. So
5 thank you for participating in the meeting, Member Mulé.
6 We're looking forward to great things from that program.

7 EXECUTIVE DIRECTOR LEARY: Okay. Last fall,
8 former Chair Rosario Marin and I attended an awards
9 presentation over in San Francisco at U.S. EPA Region 9.
10 And sharing the dias with us -- and we were receiving an
11 award for -- the Board was receiving an award for its
12 outstanding contributions to sustainability. But sharing
13 the dias with us was an organization called Freecycle.
14 And following up on our introduction to each other at that
15 meeting, I'd like to offer you a short presentation by
16 their foundation. But let me give you a little history
17 before I do so.

18 On May 1st, 2003, Deron Beal sent out the first
19 e-mail announcing the Freecycle Network to about 30 or 40
20 friends and a handful of nonprofits in Tucson, Arizona.
21 At the time, Deron was founding the Freecycle Network. He
22 worked with a small nonprofit organization called RISE,
23 which provided recycling services to downtown businesses
24 and transitional employment to Tucsonians in need. As
25 Deron and his crews recycled rather than watching

1 perfectly good items being thrown away, they found
2 themselves calling or driving around to see if various
3 nonprofits could use them. Thinking there had to be an
4 easier way, Deron set up the first Freecycle e-mail group
5 in a way that permitted everyone in Tucson to give and to
6 get. Freecycle is off and running.

7 The Freecycle concept has spread now to over 50
8 countries where there are thousands of local groups that
9 have more than a million members. Truly, a grassroots
10 wild fire, people helping people by changing the world one
11 gift at a time. As a result, they are currently keeping
12 approximately 50 tons a day out of the landfills. By
13 giving freely with no strings attached, members of the
14 Freecycle Network help instill a sense of generosity of
15 spirit as they strengthen local communities ties and
16 spirit. People from all walks of life joined together to
17 turn trash into treasure.

18 And I'd like to introduce the President and
19 founder of Freecycle, Deron Beal.

20 (Thereupon an overhead presentation was
21 presented as follows.)

22 MR. BEAL: Thank you very much. I'm going to
23 raise this thing up just a bit. Thank you all for having
24 me.

25 It's interesting hearing the number, because I'm

1 afraid the numbers we have on our own site I haven't
2 updated enough. In the past year, we've gone from one
3 million members to 2 million members. And the number of
4 tons per day based on an Iowa study extrapolated is over
5 200 tons a day, which is about a landfill.

6 So I'd like to see if I can get across some of
7 the passion of these thousands of local volunteers who are
8 helping making reuse possible in their local communities.
9 And before I get into some of the details, maybe I'll
10 start off by giving you a rough idea of what Freecycle is.
11 It's a website much like a material exchange site, with
12 one main rule, that these passionate volunteers all
13 believe deeply in, to keep it free. Anything that you
14 offer in this site must be free.

15 So just like L.A. Shares as a material exchange
16 type site, now picture that not just being one site, but
17 being one site in every community of say 20,000 people or
18 more. It's a network of local reuse sites really across
19 the globe. So I tend not to want to say free Ebay because
20 it gives more the commercial feel to it. Because it's
21 really just a bunch of passionate local people giving
22 stuff away and helping each other through reuse and
23 keeping good stuff out of landfills. I'm going to pick up
24 this scary looking thing and hope it will go on.

25 --o0o--

1 MR. BEAL: So our mission. Lots of important
2 sounding stuff up there. Basically, our mission is
3 keeping good stuff out of landfills. By hook or crook,
4 whatever we can do to reuse something, that's what we're
5 going to do. On the right you see a big fancy looking
6 circle. That's a circle showing all the different teams
7 of not just local volunteers -- the thousands of local
8 volunteers, but also hundreds of people who are
9 volunteering to actually manage this organization.
10 Because without them, it just wouldn't work.

11 But the guiding principle really is wouldn't it
12 be great if you could get everyone in one room who has
13 something they want to get rid of and they don't want to
14 pay to throw in a landfill with everyone who could use
15 that widget or gadget or whatever the heck it is. In
16 other words, make it easier to give something away than to
17 throw it away. And that's what Freecycle.org in essence
18 is. It's a cyber curbside.

19 And maybe just to give you a little bit of
20 background how it did get started, I saved some of my
21 breath. Mark gave some of that background. Thank you
22 very much, because I was afraid I would forget all of that
23 anyway. But basically I was working at a little nonprofit
24 in Tucson doing recycling, driving a pickup truck from one
25 place to the next throwing stuff in the back, accumulating

1 other things in the process, whether it was old monitors
2 or CPUs or racks. We were recycling for businesses in
3 downtown Tucson and collecting their items as they no
4 longer needed it, even if it wasn't recyclable.

5 So in the process of doing that, I would drive
6 from one nonprofit to the next seeing who could take this
7 stuff. The one nonprofit recycled monitors would charge
8 for it. But they were still good monitors. Still had
9 reuse in them. The next wouldn't take, you know, shelving
10 or racks from stores. The other one wouldn't take this.
11 So I ended up with a warehouse full of old perfectly good
12 junk. And the idea was how can I get that junk easily to
13 a new home without driving and phoning around the whole
14 time? So I thought, why not set up an e-mail group for
15 local Tucsonans. And whoever wants to have this stuff can
16 respond to the items that I'm e-mailing out to the local
17 group to give away.

18 And so my idea was really me giving stuff away
19 and other local nonprofits joining and getting the stuff.
20 And then I thought, why not open it up to anyone to get
21 stuff. And why not open it up to anyone to give away
22 stuff. I'm sure it will just be me giving it away, but
23 why not just make it possible. If I can think of a nifty
24 name that's about free and recycling, it just might take
25 off.

1 Sure enough, it did. And I was able to empty
2 that first warehouse within the first month of Freecycle's
3 existence after sending out that first e-mail. It was
4 mind-boggling how word of mouth spread like a grassroots
5 wildfire. Really, really incredible.

6 Our program grew so quickly the City quickly
7 offered us a second warehouse, which unfortunately before
8 they gave it to us was already full of the City's
9 Development Office from the last 30 years, old desks, old
10 drafting tables, and an entire roomful of 1970s era and
11 '80s era cubical walls. The City said, "No problem.
12 We'll bring over four 40-yard roll-offs, and it will be
13 about 40 loads, but we'll throw it out in the dump for
14 you." And I realized, oh, my God. They haven't quite
15 gotten it yet. I said, "Give me two weeks."

16 The first warehouse I cleared out in a month.
17 The second warehouse I cleared out in two weeks. I gave
18 two charter schools everything they needed to outfit their
19 entire schools. Ten further nonprofits including a couple
20 conservation groups, who won't have access to this kind of
21 stuff normally, were able to get desks, monitors, cubical
22 walls, everything they needed for their offices to get
23 them outfitted. It was really inspiring to see people
24 pulling together finding homes for all this stuff so we
25 can expand and, of course, fill it with more stuff.

1 And I realized that it would be really good if I
2 could eliminate the middleman and people just be giving to
3 each other, which is the whole idea of Freecycle. One
4 person posts an e-mail to the group of an old bed, for
5 example. And another member responds directly in saying,
6 "I could use that bed." And they come pick it up directly
7 from that person. It cuts out the need for a warehouse.
8 It cuts out the need for a middleman in between and
9 directly empowers people on a local level to reuse.

10 Shortly after I emptied that second warehouse, we
11 got press for Freecycle locally that led us to go from 100
12 members to a thousand members overnight.

13 Now, the first warehouse, that was big. The
14 second warehouse was huge. This was overwhelming. And I
15 was pretty sure that Freecycle would fall apart completely
16 as hundreds of e-mails a day shot back and forth. How
17 wrong I was. Not only was I giving away warehouses full
18 of things that were headed for the landfill, but, for
19 example, the local IMB office had 40 computers they gave
20 to a local foundation for rural disabled. They fixed up
21 those 40 computers, kept ten, gave them to the rural
22 disabled, reposted to Freecycle. Our organization was
23 able to give 10 or 15 to transitional employees that were
24 now moving into the first apartment from being homeless.
25 We reposted it. It went to a -- they set up a computer

1 lab for teenage homeless. It's called a hotel for teens,
2 and they set up a computer lab.

3 As you can see what's happening here, it's no
4 longer Deron in one warehouse. It's everyone doing it
5 themselves and this sort of sense of paying it forward.
6 And at that point when it got that big in Tucson and kept
7 functioning, I realized I thought it was too big, but it
8 wasn't nearly large enough.

9 At that point I set up Freecycle.Org with a
10 friend of mine, and we instructed other cities how to join
11 what then became the Freecycle Network. And that first
12 year we grew over the first month over 2,300 percent. We
13 went from one group in one city to about 500 groups in 500
14 cities. We got national press in just about every
15 magazine or news program you can think of. And it just
16 was absolutely inspiring to think that it all didn't have
17 to come out of my warehouse.

18 And let's see if I can get on to the next slide
19 here.

20 --o0o--

21 MR. BEAL: So where are we now. We're about
22 two-and-a-half years into this crazy project. Recent
23 successes, we are the largest reuse and recycling site in
24 the world if you go to Alexa.com and look at the ratings.
25 Freecycle activity outpaces Habitat for Humanity Resource

1 and L.A. Shares. It has three times the reach of Earth
2 911, which is the second largest recycling site that I
3 know of and already has one-fifth the traffic of EPA.gov
4 site. Now, realize this traffic is just on Freecycle.org.
5 It doesn't count any one of the over 3,400 local groups
6 where there are literally hundreds of posts and hits per
7 day in each one of those local groups. If we were to
8 count those, we would probably be about the activity of
9 ten times the EPA.gov site. This is massive. And it's
10 beautiful. And it's thousands of people who care locally
11 making it happen. Lyco's top searches, Freecycle is
12 number 32, followed by Madonna, Ipod, 50 Cent, and Barbie.
13 So something's going on here. And it's better than
14 Barbie.

15 --o0o--

16 MR. BEAL: Here's just a little, you know,
17 showing off flaunting our stuff here for all these caring
18 volunteers. PC magazine rated us this year at the top of
19 the life style and fun category in their top 101 sites for
20 2005. People magazine, "Freecycle has become an Internet
21 phenomenon." USA Today, "It's just this sort of beautiful
22 giving, caring thing that empowers people to further
23 develop community locally by means of reuse."

24 And it's incredible to see the diversity of the
25 coverage that we're getting, whether it's AARP or Parents

1 magazine or Women's, it's just across the board. People
2 just love to be able to feel empowered to help each other
3 and make a difference directly on a local level. We are
4 globally local.

5 We also have in Green here a little note, "US EPA
6 website declares Freecycle a revolution in reuse." I
7 don't think there's any bigger or better or more beautiful
8 way to empower people to reuse than by enabling them to do
9 so by sending one simple e-mail out to their local
10 community members. That's what's happening.

11 --o0o--

12 MR. BEAL: So recent successes. Okay. So
13 currently in the past year we've doubled in size. We now
14 have 2,038,000 members. That was about a week ago. We're
15 growing at a rate of between 10 and 25,000 members a week.
16 And we're already in over 3400 communities. We are
17 probably adding another 10 to 15 communities a week as
18 well. We have fairly complete coverage across California
19 already. We are in the middle of designing a new website
20 and seeking funding to do it.

21 You have to realize as a nonprofit that we don't
22 even have enough money to pay the band width for the site.
23 A site of this size, which is probably with one-sixth the
24 size of AOL if we were paying for all the band width
25 ourselves and not using Yahoo groups, it's mind boggling.

1 How do you make that happen as a nonprofit without
2 commercial advertising? Restructuring hub and spokes
3 model. In addition to our over 6,000 local volunteers, we
4 have about two or 300 people in the management level
5 organizing this thing so that with State representatives
6 and State new group approvals, et cetera. Let me tell you
7 it's inspiring to work with so many volunteers. But when
8 you have a staff of one and he's standing here instead of
9 home staring at his computer, it can be harrowing
10 sometimes.

11 --o0o--

12 MR. BEAL: So where we're at, results. Over 200
13 tons a day. E-waste is probably about 25 percent of our
14 overall waste that we're keeping out of the waste stream,
15 which is very, very cool. You see a lot of computers, a
16 lot of monitors, whole bunch of printers. So good stuff.
17 Grassroots educational outreach. I think we can be doing
18 a lot more with education than we are if we were able to
19 design a new website that each local group have their own
20 sub-website, like Losangeles.freecycle.org. We're working
21 on that. And, finally, media coverage and word-of-mouth
22 driven exponential growth. It's just growing like crazy.

23 --o0o--

24 MR. BEAL: Here's a nice pretty graph showing
25 we're growing a whole bunch.

1 --o0o--

2 MR. BEAL: And universal waste diversion, it's
3 kind of u-waste, but it's really not about us wasting.
4 It's about you not wasting and reusing. And so I'd like
5 to say we call it reuse. And there's a massive potential
6 here for u-reuse that we're already starting to implement
7 with Freecycle. And we could be doing a heck of a lot
8 more if we were able to educate people as to what further
9 items they could be reusing and not having go into the
10 waste stream. We've had several municipalities use
11 Freecycle to increase their hazardous waste systems where
12 they get back out chemicals and paints and whatnot to
13 citizens hundred fold. They give out what they gave out
14 in the past year in twelve months in one month using
15 Freecycle. It's pretty neat. And you can also announce
16 to local communities when car battery pickups and stuff
17 are happening. There's a lot more opportunity of
18 education that we could be building on if we had the
19 proper site to do it with, and we're starting to do the
20 web specifications for that site now and scratch together
21 the funds. So yes, reuse.

22 --o0o--

23 MR. BEAL: Towards greater reuse. Basically what
24 I just said, a bunch of community building ideas and
25 educational opportunities we can build on with a new site.

1 --o0o--

2 MR. BEAL: Thank you. That's it. Are there any
3 questions, comments, concerns?

4 CHAIRPERSON BROWN: I don't think there are any
5 concerns. All I can say is congratulations. Did you have
6 any idea what you started this that it was going to grow
7 exponentially in the short amount of time that it has?

8 MR. BEAL: I was blissfully ignorant. And now
9 I'm passionately amazed by what people are making happen.

10 CHAIRPERSON BROWN: It is phenomenal.
11 Congratulations. I guarantee there's comments from Board
12 members, especially Member Petersen.

13 BOARD MEMBER PETERSEN: I'm right here. This is
14 amazing what you guys have done. How long did it take you
15 to put this all together now, start to where you are right
16 now?

17 MR. BEAL: Well, it took about 30 seconds to set
18 up the first group. You just click through Yahoo.

19 BOARD MEMBER PETERSEN: I mean time wise for the
20 whole thing. You're talking to someone who hits his
21 baseball bat against his computer. So this is very
22 interesting stuff.

23 MR. BEAL: Well, the irony is that I'm not a
24 techie at all. I was a member of my local community -- my
25 local neighborhood association Yahoo group. I said maybe

1 that can work for reuse too. So I just set up a Yahoo
2 group. And after that, it was just a snowball effect.
3 Probably the first three months were packed with getting
4 the original site set up. And after that, it's just been
5 keeping up with this daily.

6 BOARD MEMBER PETERSEN: So it's a year?

7 MR. BEAL: Oh, two-and-a-half years ago we set up
8 the first group.

9 BOARD MEMBER PETERSEN: I've got to tell you,
10 this hits home. This is a really neat story.
11 Congratulations, my friend. And I think that while we're
12 poking around here and figuring out what you're doing,
13 there's things we might be able to help do, too. Good
14 enough.

15 MR. BEAL: We can use all the help we can get.

16 CHAIRPERSON BROWN: Thank you.

17 Member Mulé.

18 BOARD MEMBER MULÉ: Thank you, Madam Chair.

19 Again, I just want to echo Board Member
20 Petersen's comments. It's amazing the growth of this
21 website in just two-and-a-half years. Obviously, you're
22 meeting a need that's out there. Not just here in
23 California, but around the world. So congratulations.

24 How many members do you have here in California?

25 MR. BEAL: Roughly 350,000 members in California.

1 BOARD MEMBER MULÉ: And do you have any idea how
2 many groups you have here?

3 MR. BEAL: Yes. It's about 425 groups in
4 California. That's the neat thing. By empowering people
5 locally to volunteer, passionate volunteers about reuse to
6 volunteer, it enables us to quickly expand like this. And
7 we're probably in every community of about 20,000 or
8 larger in California.

9 California, apart from the United States itself,
10 is our largest country, if you will, with these 3- to
11 400,000 members. And we probably have with the 425-odd
12 groups, we probably have about 2,000 volunteers who are
13 monitoring local groups, keeping off spam, making sure
14 posts are appropriate, and another 50 or so leadership
15 volunteers who are running and organizing the entire
16 state.

17 BOARD MEMBER MULÉ: Very impressive. And, again,
18 I just want to jump on what Board Member Petersen said.
19 What are some of the things -- how do you see us working
20 together, if we are going to work together at all?
21 Because you're familiar with our Board's mission. You
22 know our hierarchy is source reduction, reuse. And so I
23 was just wondering if you have any ideas or thoughts on
24 how we might able to work together.

25 MR. BEAL: Well, there are all sorts of

1 opportunities. And there are probably 150 or so
2 communities across the U.S. with whom we work with
3 directly. They promote -- rather than having to design
4 their own local reuse site, they simply promote Freecycle
5 with their local volunteers because it's already there.
6 And it already on average has about 1200 members of
7 passionate reusers in their community. That's certainly
8 one opportunity.

9 As far as further opportunities as we design the
10 new website, if we can pull together the funds to get the
11 new sites designed, one of the first things we would do
12 was make available waste diversion rates. There are
13 standard EPA weights for all these bulky items that are
14 going through Freecycle and they typically are bulky items
15 that people don't want to lug to the landfill because it's
16 too heavy and too expensive. We can capture those weights
17 and provide waste diversion rates to every municipality in
18 the state of California. And it's just a matter of
19 getting it designed. And we're doing our best right now
20 to get the format in place. Getting the web specs done.
21 And so as we find funding, we'll move forward with that
22 new site.

23 BOARD MEMBER MULÉ: Well, thank you again. Just
24 keep up the great work you're doing. Thank you.

25 BOARD MEMBER PETERSEN: Deron, one more question.

1 Is the private sector at all coming to help?

2 MR. BEAL: Well, let me extend a humungous thank
3 you to Waste Management, our founding and sole sponsor
4 right now. If they weren't helping fund this right now as
5 our underwriter, I wouldn't be standing here today telling
6 you about the wonderful job we're doing, because that
7 really is pretty much our sole source of funds right now.
8 So if there are any other underwriters out there, talk to
9 me afterwards.

10 BOARD MEMBER PETERSEN: Kent, you've got to go
11 twist some arms. This is great.

12 MR. BEAL: He's a good arm twister.

13 CHAIRPERSON BROWN: Thank you.

14 COMMITTEE MEMBER PEACE: That is wonderful.
15 Congratulations. And thank you, Waste Management, for
16 helping out. And the educational template that we're
17 working on for the Board, maybe one of our first articles
18 on that can be about Freecycle and how people can -- okay.
19 Thank you.

20 MR. BEAL: Thank you.

21 CHAIRPERSON BROWN: Thank you. Deron, thank you
22 very much.

23 Any other?

24 BOARD MEMBER DANZINGER: I want to thank you as
25 well. And I to echo what everyone has said here. I

1 certainly want to support any effort that we decide upon
2 here at the Board to participate or collaborate with you.
3 Replacing throw away with give away. It is a great idea,
4 and it's tremendous how expansive it has been. And I do
5 think it shows when the entrepreneurial spirit is applied
6 to the public good, there's nothing better than that. So
7 thank you so much on behalf of all the people, not only
8 here, but that we represent in the state who use this
9 service and I hope will continue to use this service and
10 expand what they do here. So thanks so much.

11 MR. BEAL: Thank you for having me.

12 CHAIRPERSON BROWN: Member Wiggins.

13 COMMITTEE MEMBER WIGGINS: I just want to
14 congratulate you on having the idea. Because without an
15 idea, nothing happens. That's the good part. Thanks.

16 MR. BEAL: My wife doesn't agree, but most people
17 do.

18 CHAIRPERSON BROWN: Well, Deron, thank you very
19 much. It's obvious by the Board response that we think
20 you've done an absolutely tremendous effort. And we look
21 forward to continued discussions and dialogue about how we
22 can assist and partner into the future. So thank you very
23 much.

24 Mark, do you have any further portion of your
25 report?

1 EXECUTIVE DIRECTOR LEARY: No, thank you, Madam
2 Chair.

3 CHAIRPERSON BROWN: That conclude the Executive
4 Director's report.

5 Any public comment at this time?

6 COMMITTEE MEMBER WIGGINS: I would like to ask
7 staff how this compares to CalMAX and our system.

8 ACTING DEPUTY DIRECTOR SMITH: CalMAX deals with
9 a lot of private businesses, waste exchanges with private
10 businesses and nonprofits, the bigger groups having large
11 amounts of materials to be offered up. Freecycle is more
12 based on individuals and smaller nonprofits. But these
13 are both very good tools for promoting reuse.

14 COMMITTEE MEMBER WIGGINS: So CalMAX is more
15 commercial?

16 ACTING DEPUTY DIRECTOR SMITH: It's geared
17 towards linking businesses up for waste exchanges as well
18 as large nonprofits. And we do have some individuals.
19 But the main focus is the businesses and large nonprofits.
20 This is different.

21 SUPERVISOR TAYLOR: Hi. I'm Kevin Taylor, and
22 I'm one of the supervisors in that group. And, you know,
23 first of all, there's a lot of waste, so there's a lot for
24 everybody to use. And we've been pretty supportive of
25 Freecycle. We've done articles. We have a link to their

1 site as well.

2 You know, as John said, we also work with
3 commercial businesses. We're statewide. We have regions.
4 We're also working with local jurisdictions who have
5 portals to CalMAX. We offer those to local jurisdictions
6 so they can have their own programs and they can focus in,
7 as well as businesses. You know, not everything in CalMAX
8 is free. There are lots of materials out there that
9 businesses want to get some sort of exchange for it,
10 barter, other things. I'm not sure if Freecycle does
11 barter, that type of thing. So it offers different
12 opportunities. If you have something, let's say a
13 generator or something large or large amounts of materials
14 from a business, they're probably not going to give it
15 away for free it's a good chance, especially if it's not a
16 really big businesses. So it offers some different
17 opportunities, and we're happy to work with them. We just
18 see there's plenty out there for different types of
19 materials exchanges.

20 Any other questions?

21 CHAIRPERSON BROWN: I don't think so. Thank you,
22 Kevin.

23 Okay. We'd like to move at this time to the
24 consent agenda. Items 9, 13, and 14 are on the consent
25 agenda.

1 Does anybody wish to pull an item from the
2 consent agenda?
3 Could I have a motion?
4 BOARD MEMBER MULÉ: Move approval of the consent
5 agenda.
6 BOARD MEMBER PETERSEN: I'll second that.
7 CHAIRPERSON BROWN: It's been moved by Member
8 Mulé and seconded by Member Petersen to move the consent
9 agenda.
10 Call the roll.
11 EXECUTIVE ASSISTANT HARRIS: Danzinger?
12 BOARD MEMBER DANZINGER: Aye.
13 EXECUTIVE ASSISTANT HARRIS: Mulé?
14 BOARD MEMBER MULÉ: Aye.
15 EXECUTIVE ASSISTANT HARRIS: Peace?
16 BOARD MEMBER PEACE: Aye.
17 EXECUTIVE ASSISTANT HARRIS: Petersen?
18 BOARD MEMBER PETERSEN: Aye.
19 EXECUTIVE ASSISTANT HARRIS: Wiggins?
20 COMMITTEE MEMBER WIGGINS: Aye.
21 EXECUTIVE ASSISTANT HARRIS: Chair Brown?
22 CHAIRPERSON BROWN: Aye.
23 Items 2 Revised, 3 Revised, 4 Revised, 5, 7, 10
24 Revised, and 12 are on the fiscal consent. These matters
25 will be taken up in order for discussion and action.

1 Items 8, 15, 17, and 18 have been pulled from the
2 agenda.

3 Item 1, 16, and 11 will all be heard by the full
4 Board.

5 So we move to the agenda. Without objection, I'd
6 like to take all of the fiscal consent items up for
7 consideration first and consideration of Item 1, then Item
8 16 after fiscal consent. Having heard no objection, and
9 then Item 11 will be heard after we conclude Items 1 and
10 16. So we'll first move to Permitting and Enforcement,
11 the fiscal consent items.

12 Chair Mulé, would you like to give a report on
13 the Committee?

14 BOARD MEMBER MULÉ: Yes. Thank you, Madam Chair.

15 On P&E, we did not have any permits heard that
16 day. We do have, as you mentioned, a few items for fiscal
17 consent. And we did have a discussion on the local
18 enforcement agency evaluation process.

19 That concludes my report. Thank you.

20 CHAIRPERSON BROWN: Thank you.

21 And we'll move to Item 2, fiscal consent
22 consideration report. Mr. Levenson.

23 DEPUTY DIRECTOR LEVENSON: Thank you, Madam
24 Chair. And good morning, Board members. For the record,
25 I am Howard Levenson, Deputy Director for Permitting and

1 Enforcement. I'll make short presentations on the next
2 four items, 2 through 5, which are all on fiscal consent.

3 Before I do that, I do want to thank Board Member
4 Mulé for her comments about the Postclosure Land Use
5 Symposium. I agree it was a great symposium. In
6 particular, Don Dier and Wes Mindermann and Dennis
7 Corcoran and Steve Levine from the Legal Office did a
8 great job of collaborating on that that putting it on. So
9 thank you for noting that.

10 The Items 2 through 4 all involve contracts for
11 the Solid Waste Cleanup Program. And I'd like to give you
12 a very quick background statement about the program and
13 try to put the three contracts in context with each other
14 before I move on to make my recommendations.

15 AB 2136 established the Solid Waste Cleanup
16 Program for the cleanup of solid waste disposal and
17 codisposal sites where the responsible party cannot be
18 identified or is unable or unwilling to perform timely
19 cleanup. The legislation also established the Solid Waste
20 Cleanup Trust Fund which is continuously appropriated.
21 The Board uses this funding to perform several different
22 kinds of cleanup projects. We have Board-managed projects
23 which these three contracts support. We also have grants
24 to local government entities which come to you
25 periodically in the form of agenda items for

1 consideration. And we also have the possibility of loans
2 for cleanup projects.

3 The Board-managed cleanup projects typically are
4 the largest and most complex projects where local
5 jurisdictions don't have the resources or the expertise to
6 actually carry out the project. And some of the examples
7 of these are the National City cleanup that Mr. Leary
8 spoke about in his Executive Director's Report, La Montaa
9 in Huntington Park which we completed earlier this year,
10 the Crippen site in Fresno which was the site of the huge
11 fire, and we went in with US EPA on emergency response and
12 cleaned up afterwards.

13 To date, the program has cleaned up 450 sites
14 through 150 projects. We have another 16 projects ongoing
15 and they involve another 140 sites. So there's multiple
16 sites on each of these projects. So I think the Board can
17 be very proud of this record of clean up. There's still
18 more to go. But we've done a lot over the last ten years,
19 ten, twelve years in cleaning up sites around the state.

20 Now Items 2 through 4 concern the three contracts
21 that are used to support the program and implement the
22 Board-managed cleanup projects. The first is what we call
23 engineering services, and this is used to provide support
24 services to the program, such as site surveys, waste
25 classification, grading plans, geotechnical

1 investigations, and the like. The other two contracts are
2 for what we call environmental services. And those are
3 the big contracts that we actually use to perform the
4 Board-managed cleanups. One of the contracts is for the
5 Southern California area. One of them is for the Northern
6 California area. And they can back each other up once
7 they're in place. All three of these contracts were
8 competitively bid, and I'm pleased to let you know that
9 actually two of the three proposed contractors are new.
10 So the competitive bid process I think was very
11 worthwhile.

12 So now let me turn to the specific agenda items.
13 Agenda Item 2 is Consideration of Approval of a Contractor
14 for the Engineering Services Contract. These kinds of
15 contracts have been used to support the Board-managed
16 portion of the program since 1994. This contract would be
17 for a not to exceed amount of \$2 million with initial
18 funding of \$500,000 from the Solid Waste Disposal Trust
19 Fund. We would return to you in subsequent years for
20 approval of additional allocations into this contract.

21 So staff recommends the Board adopt Resolution
22 2006-41 revised and approve the award of Engineering
23 Service Contract to SCS Engineers with an allocation from
24 the fiscal year 2005-2006 appropriation in the amount of
25 \$500,000. Happy to answer any questions.

1 CHAIRPERSON BROWN: Thank you, Howard.
2 Any questions?
3 BOARD MEMBER MULÉ: I move approval of Resolution
4 2006-41.
5 CHAIRPERSON BROWN: Can I have a second?
6 COMMITTEE MEMBER PEACE: Is that 41 Revised?
7 BOARD MEMBER MULÉ: Yes.
8 COMMITTEE MEMBER PEACE: I second that.
9 CHAIRPERSON BROWN: It's been moved by Member
10 Mulé and seconded by Member Peace.
11 Could we call the roll?
12 EXECUTIVE ASSISTANT HARRIS: Danzinger?
13 BOARD MEMBER DANZINGER: Aye.
14 EXECUTIVE ASSISTANT HARRIS: Mulé?
15 BOARD MEMBER MULÉ: Aye.
16 EXECUTIVE ASSISTANT HARRIS: Peace?
17 COMMITTEE MEMBER PEACE: Aye.
18 EXECUTIVE ASSISTANT HARRIS: Petersen?
19 BOARD MEMBER PETERSEN: Aye.
20 EXECUTIVE ASSISTANT HARRIS: Wiggins?
21 COMMITTEE MEMBER WIGGINS: Aye.
22 EXECUTIVE ASSISTANT HARRIS: Brown?
23 CHAIRPERSON BROWN: Thank you.
24 Howard, Item 3.
25 DEPUTY DIRECTOR LEVENSON: Item 3 is for the

1 Environmental Services Contract, the big cleanup contract,
2 for Northern California. Again, these kind of contracts
3 have been used since the program's inception in 1994.
4 This contract would be for a not to exceed amount of \$5
5 million, which is typically how we fund these contracts,
6 with initial funding proposed at \$1.5 million again from
7 the funds in the Solid Waste Disposal Trust Fund. Again,
8 we would return to you in subsequent years for any
9 additional allocations.

10 So staff recommends that the Board adopt
11 Resolution 2006-42 revised and approve the award of the
12 Engineering Services Contract for Northern California to
13 the A.J. Diani Construction Company, Incorporated, with an
14 allocation from the Fiscal Year 2005-2006 appropriation in
15 amount of \$1.5 million.

16 CHAIRPERSON BROWN: Thank you, Howard.

17 Any questions?

18 Can I have a motion?

19 BOARD MEMBER MULÉ: Move approval of Resolution
20 2006-42 Revised.

21 COMMITTEE MEMBER PEACE: Second.

22 CHAIRPERSON BROWN: It's been moved by Member
23 Mulé and seconded by Member Peace.

24 Without objection, I'd like to substitute the
25 previous roll.

1 Move to Item 4.

2 DEPUTY DIRECTOR LEVENSON: Thank you.

3 Item 4 is the Environmental Services Contract for
4 Southern California. This is the exact same arrangement
5 as the previous contract item.

6 So with that, I will just recommend that the
7 Board adopt Resolution 2006-40 revised and approve the
8 award of the Engineering Services Contract for Southern
9 California to Remedial Construction Services, LP, with an
10 allocation from the fiscal year 2005-2006 appropriation of
11 \$1.5 million.

12 CHAIRPERSON BROWN: Thank you.

13 Any questions?

14 Can I have a motion?

15 BOARD MEMBER MULÉ: Move approval of Resolution
16 2006-40 Revised.

17 BOARD MEMBER PEACE: Second.

18 CHAIRPERSON BROWN: It's been moved by Member
19 Mulé and seconded by Member Peace. Without objection, we
20 can substitute the previous roll.

21 And move to Item 5.

22 DEPUTY DIRECTOR LEVENSON: Thank you.

23 Just for the record, that leaves a little over \$3
24 million in the Solid Waste Disposal Trust Fund. That's
25 the moneys that we will use for grant projects that come

1 before you for approval. And that amount is dynamic,
2 because we may get cost recovery funds, different costs on
3 some of the approved projects, also where we use Board
4 approval of a cleanup project as leverage to get the
5 actual party to clean up the project. So sometimes we
6 have moneys that are slotted for clean up and later on
7 they become freed up for use on other projects. That's
8 proven to be a more and more successful tactic on our
9 part.

10 CHAIRPERSON BROWN: Thank you.

11 DEPUTY DIRECTOR LEVENSON: Agenda Item 5 is
12 Consideration of Grant Awards for the Farm and Ranch Solid
13 Waste Cleanup and Abatement Grant Program. This is a
14 slightly different cleanup program. Senate Bills 1330 and
15 then later 1328 established the Farm and Ranch Cleanup and
16 Abatement Grant Program. Under this program, Cities and
17 Counties may seek financial assistance for the cleanup of
18 illegal disposal sites on farm or ranch property. This
19 provides assistance to innocent farm and ranch property
20 owners who had nothing to do with the original illegal
21 disposal.

22 There's an annual appropriation of \$1 million
23 into the Farm and Ranch Program. It's split funded
24 between our Integrated Waste Management Account, Used Oil,
25 and Tires. Each applicant may receive up to \$200,000 a

1 year, but there's a limit of \$50,000 for any particular
2 site.

3 The scoring criteria and the evaluation process
4 were last approved by the Board in July of 2004, and then
5 we have a quarterly cycle where applicants can be
6 received, and then we report to you on what's come forth
7 for consideration.

8 So we're recommending in this item \$151,312 for
9 four grantees that would cover 14 sites. We're
10 recommending the Trinity County Resource Conservation
11 District receive \$64,949; the Florin Resource Conservation
12 District receive \$7,103; San Diego County receive \$29,270;
13 and the Cabazon Band of Mission Indians receive \$49,990.

14 Staff recommends the Board adopt Resolution
15 2006-43, which would approve these four grants, totaling
16 \$151,311 for the third quarter of fiscal year 2005-2006
17 for the Farm and Ranch Solid Waste Cleanup and Abatement
18 Grant Program.

19 That ends my presentation. We'd be happy to
20 answer any questions you might have on this.

21 CHAIRPERSON BROWN: Thank you, Howard.

22 Do we have any questions? Motion?

23 BOARD MEMBER MULÉ: I'd like to move Resolution
24 2006-43.

25 COMMITTEE MEMBER PEACE: Second.

1 CHAIRPERSON BROWN: It's been moved by Member
2 Mulé and seconded by Member Peace. Without objection, we
3 can substitute the previous roll and move to the Special
4 Waste Committee.

5 As the Interim Chair of the Special Waste
6 Committee, I will just report that we had a very good
7 discussion regarding the fiscal consent item as well as
8 Item 11, which we will be taking up for further discussion
9 before the Board.

10 And we'd like to move to Jim for your report.

11 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.
12 Good morning, Board members. My name is Jim Lee, Deputy
13 Director for the Special Waste Division.

14 Board Item 7 is Consideration of the Scope of
15 Work and Contractor for the 2007 Used Oil Recycling
16 Household Hazardous Waste Conference. This item is to
17 implement Board direction and confirm the funding
18 allocation for this conference as approved by the Board in
19 January of this year. This item was heard by the Special
20 Waste Committee and recommended for fiscal consent.

21 Staff recommends that the Board approve the Scope
22 of Work and \$90,000 fund allocation and Cal State
23 University Sacramento as contractor and approve Resolution
24 2006-44.

25 CHAIRPERSON BROWN: Any questions?

1 Can I have a motion?

2 BOARD MEMBER MULÉ: I'll move Resolution 2006-44.

3 CHAIRPERSON BROWN: Second.

4 It's been moved by Member Mulé and seconded by
5 Member Peace. Did you second?

6 BOARD MEMBER PEACE: I'd be glad to second it,
7 but I didn't. I heard a second, but it didn't come from
8 me.

9 CHAIRPERSON BROWN: I think it came from my
10 microphone seeing that you were going to press yours and
11 second. So I apologize I jumped the gun.

12 BOARD MEMBER PEACE: I just didn't want to say I
13 did if someone else had. But I'll second that.

14 CHAIRPERSON BROWN: It's been seconded by Member
15 Peace. Without objection, we can substitute the previous
16 roll. Okay.

17 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

18 Board Item 10 is Consideration of Awards for the
19 Targeted Rubberized Asphalt Concrete Incentive Grant
20 Program.

21 Pursuant to Board direction at the February Board
22 meeting, a continuance grant application and approval
23 process is now in place for this particular grant program.
24 As is the case with this agenda item, we will coming to
25 the Board on a monthly basis with applications which have

1 been deemed complete by staff.

2 This item was heard by the Special Waste
3 Committee and recommended for fiscal consent. However,
4 subsequent to the Committee's approval and based on
5 further review by staff, minor revisions to the approved
6 costs for some projects are now being proposed as set
7 forth in the Revised Resolution you have before you.
8 Specifically, staff is asking for Board consideration of
9 the increase in the City of Calipatria's grant award from
10 \$159,986 to \$200,000; an increase in the City of
11 Pittsburg's grant award from 146,000, to 175,000; and in
12 the City of Brea's proposed grant award from 113,000 to
13 150,000.

14 The total amount for all the funding
15 recommendations is now \$1,900,000 up from the previous
16 \$1,793,986. With those proposed revisions, staff would
17 recommend the Board adopt Resolution 2006-47 as revised.

18 CHAIRPERSON BROWN: Are there any questions?

19 Member Mulé.

20 BOARD MEMBER MULÉ: I have a question. What is
21 the reason for the increase in the funding for those
22 particular jurisdictions?

23 DEPUTY DIRECTOR LEE: Yes, Ms. Mulé. I think the
24 reason for most of these increases is to accommodate
25 testing and design cost, you know, for these projects.

1 You know, the evaluation component was an important
2 component. Staff wanted to make sure it was included.
3 And another reason for the last minute change, as you
4 know, we are literally reviewing these applications right
5 up to the Committee, you know, deadline. And these were a
6 couple things that, you know, at first escaped our
7 oversight.

8 If Nate Gauff is in the audience I'll ask him to
9 come up here and provide more specific detail on this too.

10 MR. GAUFF: Good morning. I'm Nate Gauff with
11 the Special Waste Committee -- Special Waste Division.

12 Part of the reason for the changes with the
13 different local governments that are on this item is that,
14 one, this program is evolving. As Jim said, a lot of it
15 is we're getting things in.

16 But what happened in this case, and I imagine it
17 might happen in the future, the applications came in.
18 Grants admin received them. And I actually got them from
19 grants admin. I called each jurisdiction to verify the
20 information that was on the application. And in talking
21 with -- I know with Calipatria and Pittsburg, in
22 particular, they had neglected the testing component of
23 the application. And the thing is, typically, they
24 don't -- some jurisdictions don't do testing. And as part
25 of this grant, we highly recommend it. We don't require

1 it. But because, you know, we're not doing the project.
2 But we do highly recommend they undergo the pre-testing,
3 the flexion testing to determine the suitability of the
4 project, and also to do the quality assurance, quality
5 control testing, which once again some local governments
6 don't do typically.

7 So in talking with them, you know, they made the
8 decision at that point, since they had room within their
9 grant, to include some cost in there. And that's the
10 reason for the increase, at least with those two grants.

11 In relation to the City of Brea, the other part
12 of this grant or the other situation that's happened with
13 this grant is some of the cost estimates are based on
14 historical costs, because some of the jurisdictions have
15 not gone out to bid with these projects. And so they
16 don't have actual dollars back from -- the dollar bids
17 from the contractors. So they've used historical costs.
18 They've also consulted with some of their neighboring
19 jurisdictions to get a relative, you know, cost estimate
20 for using RAC or using the conventional materials for
21 establishing the differential, which is the basis of the
22 grant.

23 Like I said, in consulting with Brea, they had
24 used historical costs which were based on, you know --
25 actually based on lower past costs. As some of you may

1 know, obviously the oil situation has caused liquid
2 asphalt to increase in cost. But there's also a
3 significant aggregate shortage in Southern California. So
4 the prices for aggregate have increased greatly, even
5 within the last year or two.

6 So as a result of that, they did update their
7 cost estimate and did ask for additional funds since they
8 had additional funds available under the maximum grant
9 request. So that's the situation. And that's why these
10 grants in particular -- if you look at all the other
11 grants, they went for the max. So I think they kind of
12 understood there was some uncertainty out there and just
13 asked for the max up front.

14 BOARD MEMBER MULÉ: So then these other
15 jurisdictions included testing in their grant application?

16 MR. GAUFF: Yes, they did.

17 BOARD MEMBER MULÉ: And the idea behind the
18 testing is to make sure that things are -- you know, that
19 the road is working properly. And then we can -- you
20 know, and again to prove that RAC can be a better product
21 to use over conventional asphalt. Because, I mean, that's
22 the reason why we're doing this.

23 MR. GAUFF: The pre-testing, the deflection
24 testing is to determine the suitability for using the
25 material. It basically determines how thick of a material

1 you're going to use on that project so that you know going
2 in if you need three inches, you're going to put three
3 inches down. You don't put two inches, because that's
4 what we typically do in our city. If you needed three and
5 you put down two, you're going to have a problem.

6 The pre-testing will help determine that, you
7 know, that thickness that you're going to need to have
8 adequate roadway. And the other part of it is it's not so
9 much post-construction, but it's during the construction
10 they do quality assurance, quality control testing on the
11 material to ensure that what they have is suitable once
12 again and what meets the design parameters that the
13 contractor's supposed to meet.

14 CHAIRPERSON BROWN: Thank you.

15 Member Petersen, you have a question?

16 BOARD MEMBER PETERSEN: Thank you, Madam Chair.

17 In the testing they're doing, I know it's on the
18 quality control of the product. Are they doing any
19 additional testing on sound, tire dust, you know, the
20 constant emissions from tire dust? Is any of that stuff
21 being done?

22 MR. GAUFF: The tire dust emissions, I'm not
23 aware of anybody that does that as far as rubberized
24 asphalt. So I would say no.

25 On the sound, I don't think anybody put in their

1 proposal that they were going to do sound monitoring.
2 Obviously, it's going to be a little tough during the
3 construction. But post-construction, they may consider
4 it. But that's not necessarily a part of the grant
5 project.

6 BOARD MEMBER PETERSEN: Has the industry at all
7 looked at the environmental attributes of not only using
8 the recycled content, but looking at the environmental
9 attributes of what this might do as far as reducing sound,
10 reducing tire dust?

11 MR. GAUFF: There have been several studies done.
12 And I know Caltrans has worked on it also. But Sacramento
13 County did a noise study on a rubberized asphalt project
14 they did I think back in '95, and that data has been
15 published and is available to all these jurisdictions.

16 BOARD MEMBER PETERSEN: Do you know what they
17 came up with?

18 MR. GAUFF: I don't know the exact numbers. They
19 did see a sound reduction, a noise reduction from where
20 the rubberized asphalt pavement was actually over on Alta
21 Arden Expressway between Howe Avenue and Morse.

22 BOARD MEMBER PETERSEN: I just want to know where
23 I should buy a house.

24 CHAIRPERSON BROWN: Thank you.

25 Any other questions? Do you have a further

1 comment, Mitch.

2 WASTE TIRE DIVERSION MANAGER DELMAGE: Mitch
3 Delmage, Manager of the Waste Tire Program. I just wanted
4 to add two things.

5 One, I think it's been alluded to how important
6 this testing is. We want to make sure that since we're on
7 the road promoting this product, that we make sure where
8 it's put down, it's put down right, so we don't have any
9 problems in the future.

10 The second part I wanted to address is I know
11 that I personally and my staff feels very strong that
12 we're getting a lot of support from the Board on
13 implementing their direction with regard to this program
14 in particular. We're getting a lot of flexibility. We're
15 getting information in at the last minute, and you're
16 allowing us to make changes right up until the last
17 minute. This allows us to help the local jurisdictions
18 with their timing issues. These projects come up
19 throughout the year. And the way the program is set up
20 now, we're able to intervene and help when we can. And so
21 I just wanted to express our appreciation for that.

22 CHAIRPERSON BROWN: Thank you, Mitch, for the
23 added information and comment. And, Nate, thank you also
24 for providing additional information.

25 Any other questions?

1 COMMITTEE MEMBER PEACE: That testing does sound
2 like it's really a important component. We don't want to
3 get any bad press on this program.

4 I guess my one comment is since this item was
5 increased over \$100,000 from the Committee meeting to the
6 Board meeting and since this grant program is funded
7 monthly and that changes can be made right up to the last
8 minute, that we're going to have to make sure we consider
9 that in May when the reallocation item comes up. Thank
10 you.

11 CHAIRPERSON BROWN: Thank you, Member Peace.
12 Can I get a motion on this item?

13 COMMITTEE MEMBER PEACE: I'd like to move
14 Resolution 2006-47 Revised.

15 BOARD MEMBER MULÉ: Second.

16 CHAIRPERSON BROWN: It's been moved by Member
17 Peace and seconded by Member Mulé. Can we call the roll
18 on this one, please, since the item has changed since the
19 Committee?

20 EXECUTIVE ASSISTANT HARRIS: Danzinger?

21 BOARD MEMBER DANZINGER: Aye.

22 EXECUTIVE ASSISTANT HARRIS: Mulé?

23 BOARD MEMBER MULÉ: Aye.

24 EXECUTIVE ASSISTANT HARRIS: Peace?

25 COMMITTEE MEMBER PEACE: Aye.

1 EXECUTIVE ASSISTANT HARRIS: Peterson?

2 BOARD MEMBER PETERSEN: Aye.

3 EXECUTIVE ASSISTANT HARRIS: Wiggins?

4 COMMITTEE MEMBER WIGGINS: Aye.

5 EXECUTIVE ASSISTANT HARRIS: And Brown?

6 CHAIRPERSON BROWN: Aye.

7 Now we will move to Item 12.

8 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

9 Board Item 12 is Consideration of Award for the
10 Waste Tire Enforcement Grant to the California District
11 Attorneys Association Circuit Prosecutor Project. This
12 item requests the Board award CDAA a grant of \$100,000 for
13 purposes of prosecuting waste tire cases and training
14 waste tire inspectors and the waste tire enforcement
15 grantees.

16 This item was heard by the Special Committee and
17 recommended for fiscal consent. Staff recommends the
18 Board approve Resolution 2006-52.

19 CHAIRPERSON BROWN: Any questions on this item?

20 BOARD MEMBER DANZINGER: I would say, I sat in on
21 that Committee meeting on that. I was very impressed by
22 the representative's presentation and his passion for the
23 issue. And I was also interested -- I can't remember who
24 raised it, but they asked for more specific examples of
25 some of the projects they had done. So I'm looking

1 forward to seeing some of that stuff as well, because I
2 think he gave one example of what they had done, and we
3 had asked for more. So hopefully we'll be able to get
4 some of that. But other than that --

5 DEPUTY DIRECTOR LEE: Mr. Danzinger, Wendy
6 Breckon from our Legal Office can express where we're at
7 with regard to that particular issue.

8 SENIOR STAFF COUNSEL BRECKON: Wendy Breckon,
9 Senior Staff Counsel with the Waste Board.

10 The program has been in effect since May of 2002.
11 CDAA has investigated and/or resolved, you know, prior to
12 filing a complaint about five cases. They've prosecuted
13 either civilly or criminally five cases, obtaining
14 convictions in the three criminal cases and also civil
15 penalties.

16 I could go into a little bit more detail on the
17 cases, or what I'd like to do is give CDAA some time to
18 prepare a document so they can forward that on to you.
19 But I can answer questions about the cases now also.

20 BOARD MEMBER DANZINGER: I think that was the
21 expectation, is that they were going to when they had a
22 chance throw something together for us.

23 CHAIRPERSON BROWN: Just a memo to the staff
24 would be great on their successes in the program to date.

25 Any other questions on this item? Can I have a

1 motion?

2 COMMITTEE MEMBER PEACE: I just think this
3 program is a really important part of our tire enforcement
4 arsenal, and I'd like to move Resolution 2006-52.

5 BOARD MEMBER PETERSEN: I'll second that.

6 CHAIRPERSON BROWN: It's been moved by Member
7 Peace and seconded by Member Petersen. Without objection,
8 I'd like to substitute the previous roll.

9 Next on the agenda, we'll move to the
10 Sustainability and Market Development Committee.
11 Committee Chair Petersen was absent, so we'd like to ask
12 Member Peace who was the substitute Chair or Acting Chair
13 of the Committee if she has a report she'd like to share.

14 COMMITTEE MEMBER PEACE: We had a short and sweet
15 Committee meeting, 45 minutes.

16 BOARD MEMBER PETERSEN: That's quick.

17 COMMITTEE MEMBER PEACE: So you can try to beat
18 that next month.

19 We had two planning items; an NDFE for the
20 Unincorporated San Diego County; the five-year review
21 report for the Fresno Countywide Integrated Waste
22 Management Plan. Both of these items, Number 13 and 14,
23 were approved on the consent calendar this morning.

24 Market Development Zone items for Santa Barbara
25 and Northeastern California both were held over for

1 consideration by the full Board, although the Committee
2 did hear from the Zone Administrator of the Northeastern
3 California zone, who had braved the wind and the snow to
4 attend the Committee meeting.

5 That concludes my report.

6 CHAIRPERSON BROWN: Thank you, Member Peace,
7 Member Petersen.

8 At this time, we will move to Agenda Item 1,
9 which is Consideration of the Application to Renew the
10 Santa Barbara County Zone designation. And we'll hear a
11 presentation by John Smith.

12 ACTING DEPUTY DIRECTOR SMITH: Good morning,
13 Chair Brown and Board members.

14 How we will proceed with this item this morning,
15 Dassi Pintar will provide a brief summary of the item, and
16 then Santa Barbara will be presenting the information on
17 this item. We have from Santa Barbara today Mark Schleich
18 and Alan Nakashina. We also have John Zhou and Dwayne
19 Chisam from Santa Maria to help out.

20 I will now turn the item over to Dassi to provide
21 the brief overview.

22 (Thereupon an overhead presentation was
23 presented as follows.)

24 MS. PINTAR: Thank you, John.

25 Good morning, Madam Chair and Board members. My

1 name is Dassi Pintar, and I work in the Recycling Market
2 Development Zone Program.

3 As you're probably aware, the item to redesignate
4 the Santa Barbara regional RMDZ for ten years was
5 initially brought before the Sustainability and Market
6 Development Committee in February. At that time, several
7 of you had questions regarding how the zone intends to
8 utilize the program in light of its relative dormancy over
9 the last several years. This item was continued from last
10 month to this month in order to provide Santa Barbara
11 County with an opportunity to prepare a presentation to
12 the Board explaining their strategy for implementing the
13 RMDZ Program, should you decide to approve this zone's
14 redesignation for the next ten years.

15 I would like to introduce Mr. Mark Schleich, who
16 is the Deputy Director of the Santa Barbara Resource
17 Recovery and Waste Management Division, who has requested
18 the opportunity to present to you an overview of the
19 zone's strategy. Accompanying him are Alan Nakashima,
20 Program Specialist and Zone Administrator, as well as two
21 representatives from the City Of Santa Maria Utilities
22 Department, Dwanne Chisam, the Director, and John Zhao,
23 Solid Waste Engineer.

24 MR. SCHLEICH: Good morning, Madam Chair, Board
25 members. Good to see many of you again.

1 CHAIRPERSON BROWN: I'm sorry to interrupt.
2 Would you mind restating your name for the recorder,
3 please?

4 MR. SCHLEICH: I'm Mark Schleich with the County
5 of Santa Barbara.

6 CHAIRPERSON BROWN: Thank you.

7 MR. SCHLEICH: Today I'll give you a brief
8 history on our program.

9 --o0o--

10 MR. SCHLEICH: And go into what we propose over
11 the next ten years.

12 We had a RMDZ of about five members. We got that
13 authorization in 1996.

14 --o0o--

15 MR. SCHLEICH: We conducted a very extensive
16 outreach program for the businesses and business
17 organizations in the community. We met regularly with the
18 cooperating jurisdictions. But unfortunately at that
19 time, we had very little limited interest in the program.

20 --o0o--

21 MR. SCHLEICH: At that particular point, because
22 of AB 939 and the need to divert 50 percent or more, we
23 changed our focus to C&D, and we developed a C&D facility
24 in our community that's very key to our overall diversion.
25 We implemented mandatory commercial recycling programs

1 where we had nearly 100 percent compliance from all
2 businesses as well as multi-unit dwellings.

3 Here's a picture from our most recent electronics
4 recycling collection event. It was conducted the first
5 part of February. We had about 18 semis of e-waste leave
6 that event. And we've done some extensive regional
7 planning efforts.

8 --o0o--

9 MR. SCHLEICH: Currently our diversion rate is at
10 63 percent, so I think our efforts in these areas was the
11 right thing to do at the time.

12 --o0o--

13 MR. SCHLEICH: But we've also in 2001 started a
14 multi-jurisdictional solid waste task group to look at the
15 next generation of solid waste facilities to increase the
16 diversion of our community. We have representation from
17 all of the cities in the county, as well as the Board of
18 Supervisors. And we've also included specific districts,
19 particularly to deal with the biosolids issue.

20 Another point of fact is we have over -- most
21 communities in our county are over 50 percent diversion.

22 --o0o--

23 MR. SCHLEICH: Going back to the specifics of the
24 multi-jurisdictional, we've identified some future plans.
25 We're looking to expand our existing programs, both the

1 traditional programs. But we're also evaluating many new
2 facilities, a dirty MRF facility. We're also looking at
3 conversion technologies. By the way, we received -- our
4 air district received a grant from your Board to look at
5 the air emissions from these conversion technologies, and
6 we're moving forward with that. We're also considering
7 potentially compost and anaerobic digestion facilities.

8 --o0o--

9 MR. SCHLEICH: We see this renewal of the RMDZ as
10 a necessary tool to implement some of the plans we have
11 for the future.

12 --o0o--

13 MR. SCHLEICH: To give you -- so here is our
14 program for the future. We have the county of Santa
15 Barbara, most of our large north county cities, that being
16 the city of Santa Maria and Lompoc and the city of Santa
17 Barbara are part of the zone. Again, the priority areas
18 we've identified through our planning process is
19 increasing our construction and demolition, agricultural
20 film processing, potentially compost and mulch processing,
21 and there may be other opportunities as we move through
22 the process.

23 --o0o--

24 MR. SCHLEICH: Specifically to the ag film
25 process, Santa Maria Valley is well known for strawberry

1 growing. And the agricultural plastic that comes from
2 those operations is about 4,000 tons annually. There's
3 about 171 different growers in the region, and I think
4 that might include San Luis Obispo as well.

5 Typically, this material has been recycled, but
6 has relied upon foreign markets, and those markets are
7 starting to dry up. There's been some interest from
8 industry to do something locally. Again, we have many
9 tons in our area. But also I think on a statewide basis,
10 industry has identified Santa Maria as a location for a
11 potential ag film processing facility.

12 --o0o--

13 MR. SCHLEICH: To that end, the City of Santa
14 Maria, with their solid waste facility permit, is
15 proposing that the siting of an ag facility be allowed at
16 their landfill site. They have completed the
17 environmental work of that, and it will be before your
18 Board hopefully this summer. Once that permit is approved
19 by our Board, the next step for the City of Santa Maria
20 will be to issue RFPs.

21 --o0o--

22 MR. SCHLEICH: This will probably be done by a
23 private company. And obviously they'll be leasing some
24 space at the landfill site. Again, this is a prime
25 example of an RMDZ type project.

1 --o0o--

2 MR. SCHLEICH: As far as other things, we'll be
3 working with zone representative. We're going to strongly
4 get involved with our economic development staff. That's
5 kind of a new thing for county governments and city
6 governments to have those things, at least in our
7 community. And then we're going to meet with them on a
8 regular basis to foster this program.

9 --o0o--

10 MR. SCHLEICH: Again, the target areas have been
11 what I've stated before. We've already compiled a list of
12 the construction and demolition processors in our
13 community. We've done the same thing with the mulch and
14 composting operations, contacted them directly. And in
15 the past year, we've seen about five ag film companies
16 contact us directly or indirectly about the interest of
17 doing ag film in our community. One has submitted a
18 letter of support for this particular program. And we met
19 with another provider I think from the state of Florida
20 about two weeks ago.

21 --o0o--

22 MR. SCHLEICH: Again, we see this as a necessary
23 tool as we move forward for our RMDZ in implementing the
24 long-term process. Again, these are the areas that we've
25 identified. Probably the most important one that's coming

1 forward was the ag plastics, and I think we've seen a lot
2 of local interest from business at this particular time.

3 --o0o--

4 MR. SCHLEICH: A very short presentation. We
5 have also have letters of support we submitted from the
6 Santa Maria Chamber of Commerce. One provider also
7 showing a letter of interest as well as support for the
8 program.

9 Thank you. And that concludes my presentation.

10 CHAIRPERSON BROWN: Thank you very much,
11 Mr. Schleich.

12 Any questions? Member Petersen.

13 BOARD MEMBER PETERSEN: Yes, Mark, hi. You
14 mentioned dirty MRF or some research looking into -- where
15 would that be?

16 MR. SCHLEICH: It would probably be on the south
17 coast of Santa Barbara. The site has not been identified.
18 Looking over my shoulder to make sure no arrows come out
19 of the back as I mention a location. But we have actually
20 hired a consulting firm to look at feasibility of both a
21 clean MRF, dirty MRF, two sites, one site, and some
22 preliminary siting.

23 BOARD MEMBER PETERSEN: Nothing in north county
24 area?

25 MR. SCHLEICH: As far as MRFing, we have an

1 existing single stream MRF. But as far as dirty MRFing,
2 not at this time.

3 BOARD MEMBER PETERSEN: I talked with E&O
4 Plastics and Zack Sue about the coordination of this and
5 working with you a couple weeks ago. And I think that's
6 very promising what they can do to help stimulate what's
7 going on here. So good stuff.

8 MR. SCHLEICH: Thank you.

9 CHAIRPERSON BROWN: Thank you, Member Petersen.
10 Member Wiggins.

11 COMMITTEE MEMBER WIGGINS: Yes. What is the
12 reason that the foreign markets are drying up for ag film?

13 MR. SCHLEICH: I'm going to have Alan Nakashima
14 answer that question for you, a very good question.

15 MR. NAKASHIMA: Member Wiggins, my understanding
16 is that particularly -- I mean, China obviously is a
17 country that takes a lot of our waste. And my
18 understanding is from firms that have contacted me that
19 want the ag film that they periodically -- I mean, they
20 change their mind. They decide they're not going to
21 accept material, and then they decide they do want to
22 accept the material. So it's really inconsistent. That's
23 what I've been told by the ag film companies that I've had
24 discussions with.

25 BOARD MEMBER DANZINGER: That means it's less

1 drying up and more just fluctuating?

2 BOARD MEMBER PETERSEN: Well, what I see in the
3 marketplace now is that our market here, because of what's
4 going on with E&O Plastics and companies like that,
5 they're starting to drive up the price. We're starting to
6 use this domestically, which is where the market's going
7 to be. It's not going to be exported, which I found
8 really refreshing.

9 The problem too overseas is, you know, the back
10 end of the containers look really great with all these
11 nice clean plastic bails, and they put stuff out and it's
12 full of contamination. It's just state of the art of
13 recycling with some people.

14 Anyway, but the market is going to be the U.S.
15 And that's why it's so important we help support some of
16 this now. It's the beginning of -- we're going to be
17 dealing with one of the largest plastics streams in the
18 waste stream. So great.

19 CHAIRPERSON BROWN: Thank you. Any other
20 questions for Mark?

21 MR. ZHOA: John Zhoa from the City of Santa
22 Maria. Perhaps I can add something to the drying up of
23 foreign markets.

24 China has officially adopted a law to prohibit
25 any contamination of plastics with dirt because they're

1 afraid of health issues, bird flu, et cetera. In
2 addition, just like Member Petersen said, the U.S. market
3 has really lost on the plastic. There's not enough
4 recycled plastic material for the market to buy.

5 So Santa Maria is located in the middle of
6 Watsonville, Oxnard, and Central Valley. So that's why
7 vendors choose Santa Maria to be the prime location for
8 recycling.

9 E&O Plastics, you know, from my conversation with
10 them, they have very constrained conditions in Camarillo
11 because it's a more urbanized area. They have
12 restrictions on stockpiling operation, where in Santa
13 Maria, you can build a facility at the landfill. And we
14 have property surrounded by strawberry fields. So we
15 think it's a good location for the operation.

16 CHAIRPERSON BROWN: Thank you. Could I ask you
17 to spell your last name for our reporter so we have it and
18 the agency you're representing for the record?

19 MR. ZHOA: Z-h-a-o.

20 CHAIRPERSON BROWN: Thank you very much.

21 Dassi, do we have a list of speakers? I'm not
22 aware of who the next speaker is for Santa Barbara. Are
23 there other speakers? Mr. Nakashima, is he speaking?

24 MS. PINTAR: No. There were no official
25 speakers. They were just here to respond to any questions

1 that you might have.

2 CHAIRPERSON BROWN: Does anybody have any further
3 questions for any of our members? Okay.

4 BOARD MEMBER DANZINGER: I have one final
5 request. Could you all stop coming up here and rubbing it
6 in with photos like this?

7 BOARD MEMBER PETERSEN: It looks that way all the
8 time. I look out my window at this.

9 BOARD MEMBER DANZINGER: Take one in the middle
10 of the night.

11 BOARD MEMBER PETERSON: I'd like to ask staff is
12 there -- I know we're working with this and it's a
13 ten-year commitment to putting this together. Is there an
14 alternative to the motions here that we might take a look
15 at, John?

16 ACTING DEPUTY DIRECTOR SMITH: You have three
17 options before you: To simply approve the redesignation,
18 as is stated in the item, staff recommendation. The other
19 option is you can deny it. Third option is we can
20 conditionally approve it and put conditions on it, if you
21 feel conditions need to be placed on Santa Barbara to
22 ensure they will be successful during this second
23 designation cycle.

24 BOARD MEMBER PETERSEN: How long is that
25 condition period going to be or would be?

1 ACTING DEPUTY DIRECTOR SMITH: Once the Board
2 takes action, the County has 120 days to correct the
3 deficiencies and then reapply to the Board for
4 designation.

5 CHAIRPERSON BROWN: I don't know that 120 days is
6 sufficient if we were going to pursue that. I don't see
7 any reason that we wouldn't move forward with designation.

8 BOARD MEMBER PETERSEN: Would it be to quantify
9 the plan a little bit better than what we have on what
10 they're planning to do? Would that be something we
11 could -- Mark, more specifics.

12 CHAIRPERSON BROWN: Well, I think, Gary, if we
13 pursue the option of 120-day with conditions, we need to
14 lay out specific conditions at which they have to perform.
15 Meaning, provide a loan or provide something. And I'm not
16 sure -- I was impressed with their presentation today. It
17 was significantly different than the presentation that
18 came forward last month. And it looks like they have made
19 a really desirous effort in wanting to continue in the
20 RMDZ program and that it will provide fruitful tools for
21 them to, you know, move the plastics and provide other
22 incentives for continued diversion.

23 I know that Santa Barbara is doing phenomenally
24 in their diversion rates. And one of the questions that
25 came up last month was whether this designation should be

1 utilized by a zone that maybe wasn't doing so well and
2 they could benefit by this. But I think that, you know,
3 they've demonstrated their interest in participation.
4 And, personally, I think that any consideration that we
5 would put on an interim period is not necessary.

6 BOARD MEMBER PETERSEN: May I please?
7 Dassi, any comments?

8 MS. PINTAR: Yes. Well, in considering the three
9 options, we as staff have prepared a Revised Resolution
10 incorporating the third option with some specific
11 milestones, and they're being distributed to you right now
12 if you so choose.

13 CHAIRPERSON BROWN: Can I make a request, Dassi?
14 Since this is only being provided to the Board now while
15 we're in discussion of this item, it doesn't give us
16 sufficient time to review it. You're going to have to
17 brief the Board on what this says. Because without us
18 taking a recess to read a Revised Resolution, it really
19 doesn't give us anything. So if you will go through what
20 the revision is, then we can take it into consideration.
21 Briefly.

22 MS. PINTAR: Sure. Basically, there are
23 basically three sort of conditions that we included.

24 The first one is that the RMDZ would conduct at
25 least two meetings between representatives of the RMDZ and

1 the appropriate economic development and solid waste staff
2 of the participating jurisdictions over the course of the
3 120 days to discuss resources and identify opportunities
4 for collaboration. So this would be specific meetings at
5 least two of them held during the 120 days.

6 The second item is they would commence
7 implementation of an outreach program targeting
8 specifically construction and demolition haulers and
9 processors as well as compost and mulch producers within
10 the RMDZ to expose them to the program and determine if
11 any of them need some assistance.

12 And third would be to establish a strategy to
13 address the RMDZ's ag film problem, and we've already
14 heard some of that today, and describing the resources and
15 incentives that would be provided to those companies.

16 Those are the three main conditions, some of
17 which you already heard discussed today. And I should
18 mention that there is always the option of going with a
19 full approval today and having them update their market
20 development plan. So that's another option to consider.

21 CHAIRPERSON BROWN: Thank you, Dassi.

22 I think they've already pledged they were going
23 to do all of what we're making a condition. So I don't
24 know what a conditional approval would add, other than
25 just checking up on them, which I think is what staff's

1 responsibility is anyway. So I don't know that this gets
2 us a better comfort level.

3 Does anybody have any comments?

4 Member Wiggins.

5 COMMITTEE MEMBER WIGGINS: I would like to hear
6 Gary Petersen's concerns again. What are they?

7 BOARD MEMBER PETERSEN: Well, my concerns were
8 that we've had a ten-year program here that's not been
9 utilized by the county. And I do recognize -- in the old
10 days I used to recycle materials out at the county. It
11 was very hard to develop a lot of this stuff.

12 In the past three weeks or four weeks we've been
13 travelling around talking to people in the ag business,
14 people in the film business, people in the processing
15 business, talking to the county to see where this might
16 go, and there is definitely a program that can be put
17 together now.

18 So my concerns were it wasn't used in ten years.
19 We're going to give them another ten years and not going
20 to get used again. I feel comfortable meeting with Mark
21 and the other members of the staff. And Dassi has got
22 this. She's on top of it, and she's given us good
23 information.

24 So at this point, I'm in support of where we're
25 going here to help them out with their zone program. And

1 I think they really have some real direction now. And
2 this was developed within the last four or five weeks as
3 figuring out what we're going to do and who was going to
4 do it and what companies might be involved.

5 COMMITTEE MEMBER WIGGINS: So you support the
6 Revised Resolution?

7 BOARD MEMBER PETERSEN: I support the Resolution.
8 Sorry, Pat.

9 CHAIRPERSON BROWN: Not the Revised. You support
10 which Resolution, Gary?

11 BOARD MEMBER PETERSEN: I support the --

12 CHAIRPERSON BROWN: Staff recommendation.

13 BOARD MEMBER PETERSEN: Option 1.

14 CHAIRPERSON BROWN: Okay. Thank you.

15 BOARD MEMBER DANZINGER: I agree with the Chair.
16 I think we can move forward. I do think -- I don't know.
17 I'm a little new to this, this issue. But as I understand
18 it, the one thing that's being referenced in here is
19 technical deficiencies is solely the loan aspect; correct?
20 Okay. So I don't know if it's more information out there
21 in addition to what's been presented today about what's
22 happening in the zone program in this zone, aside from the
23 loan, that's having a real impact on the diversion. And
24 so if there's more on that, I don't know, maybe that would
25 provide a more complete picture as we go along over the

1 next few months as we take a look at where the program is
2 headed.

3 MS. PINTAR: Excuse me. I'm not sure that we
4 were only referencing the loan. We were talking about
5 other kinds of assistance to businesses as well. Just
6 wanted to clarify that.

7 CHAIRPERSON BROWN: Okay. Any other discussion?
8 Can I have a motion?

9 BOARD MEMBER PETERSEN: I'd like to move
10 Resolution 2006-37 Revised.

11 BOARD MEMBER DANZINGER: Second.

12 CHAIRPERSON BROWN: Clarification. If you're
13 moving the Resolution Revised, that is the 120-day --

14 COMMITTEE MEMBER PEACE: I think we need to move
15 Resolution 2006-37 Revised, Option 1.

16 BOARD MEMBER PETERSEN: Option 1.

17 CHAIRPERSON BROWN: Option 1.

18 BOARD MEMBER DANZINGER: I second Option 1.

19 CHAIRPERSON BROWN: Okay. Hold for one second.

20 We have a motion on the floor by Member Peace, seconded by
21 Member Danzinger.

22 Is there any further discussion?

23 Member Wiggins.

24 COMMITTEE MEMBER WIGGINS: Is this the one that
25 was revised that was just handed to us today?

1 BOARD MEMBER DANZINGER: That's Option 3.

2 CHAIRPERSON BROWN: That's Option 3.

3 COMMITTEE MEMBER WIGGINS: Is -- okay.

4 CHAIRPERSON BROWN: The option and motion that is
5 on the floor is a ten-year designation for Santa Barbara
6 County.

7 STAFF COUNSEL BRANCH: Sorry for the confusion.
8 This is Harllee Branch, counsel with the Legal Office.
9 It's called the Revised Resolution, because there were a
10 couple of edits from the last time it was in front of the
11 Committee.

12 BOARD MEMBER MULÉ: Madam Chair, I mean, just as
13 a point of administrative clarity. When staff brings
14 before us any type of revisions, could you please number
15 them Revision 1, Revision 2, Revision 3, so we could avoid
16 this confusion? Thank you.

17 CHAIRPERSON BROWN: Also, the motion was
18 clarified by Member Peace, so her motion stands as the
19 motion on the floor. And it was seconded by Member
20 Danzinger, just for point of clarification.

21 So can we call the roll on Resolution 2006-37
22 Revised Option 1.

23 EXECUTIVE ASSISTANT HARRIS: Danzinger?

24 BOARD MEMBER DANZINGER: Aye.

25 EXECUTIVE ASSISTANT HARRIS: Mulé?

1 BOARD MEMBER MULÉ: Aye.

2 EXECUTIVE ASSISTANT HARRIS: Peace?

3 COMMITTEE MEMBER PEACE: I want to thank Board
4 Member Petersen for all the work he's done down there to
5 get this on track. Aye.

6 EXECUTIVE ASSISTANT HARRIS: Wiggins?

7 COMMITTEE MEMBER WIGGINS: Aye.

8 EXECUTIVE ASSISTANT HARRIS: Petersen?

9 BOARD MEMBER PETERSEN: Aye.

10 EXECUTIVE ASSISTANT HARRIS: Brown?

11 EXECUTIVE ASSISTANT BROWN: Aye.

12 And I thank you all also, Gary, and all of you.

13 This was a Roberts Rules test, which I appreciate, on
14 clarification of motions and seconds and revised and
15 Option A and Option B. And I think that was a pop quiz,
16 Elliot. Thank you very much.

17 Okay. Now we'll move to Agenda Item 16.

18 ACTING DEPUTY DIRECTOR SMITH: Agenda Item 16 is
19 Consideration of Application to Redesignate the
20 Northeastern California Recycling Development Zone. Steve
21 Boyd will be here to present the item and is Monica here?
22 Monica Cochran from the Northeastern California Zone is
23 also here I believe.

24 MR. BOYD: Good morning, Madam Chair.

25 CHAIRPERSON BROWN: Could you state your name for

1 the record?

2 MR. BOYD: For the Board, I'm Steve Boyd of the
3 Recycling Business Assistance Branch.

4 CHAIRPERSON BROWN: Thank you very much.

5 MR. BOYD: And I'll start off by saying that
6 Monica Cochran is actually stuck right now in Truckee.
7 We'll come back to that.

8 This item requests the Board to consider the
9 redesignation of the Northeastern California Recycling
10 Market Development Zone. And of our original 40 zones
11 that were designated, this is the last one to come into
12 you for redesignation. The zone is comprised of Lassen,
13 Modoc, and Plumas Counties, along with their respective
14 cities of Susanville, Alturas, and Portolla.

15 The Northeastern California RMDZ is administered
16 by Lassen County's Chief of Economic Development, and she
17 works within the County's Community Development Division.

18 The Zone Administrator has submitted the required
19 redesignation application and cover letter requesting that
20 the Board consider and approve renewal of the zone
21 designation. Board staff has reviewed the redesignation
22 application and found the package to be complete.

23 And I want to give you just a little bit of
24 history on the zone. Lassen County originally applied for
25 the RMDZ status in our third designation cycle, which was

1 held in 1994. Because the application did not attain the
2 minimum score required, staff recommended that the Board
3 not approve the zone designation.

4 Lassen's Economic Development Director at the
5 time attended the Board meeting and appealed staff's
6 recommendation. After review, the Board agreed with
7 staff's determination and denied the zone designation,
8 suggesting that Lassen County recruit adjoining
9 jurisdictions in order to develop a regional RMDZ
10 application that would pass the minimum scoring
11 requirements. Lassen County's Economic Development
12 Director complied with this request, and in our fourth
13 designation cycle received staff and Board approval for an
14 RMDZ that in addition to Lassen County included Modoc and
15 Plumas Counties and their incorporated cities.

16 Now, the RMDZ is different things to different
17 jurisdictions. As an example, an RMDZ in an urban setting
18 can actually support a recycling infrastructure that has
19 an acceptable financial economy of scale. Now, in the
20 case of the Northeastern California zone, with this very
21 challenged economy of scale, the RMDZ Program actually
22 takes on the role of facilitator or enabler in the
23 recycling effort.

24 Our most successful endeavors in the Northeastern
25 Zone have been an inspiring inventor workshop we held up

1 there a couple of years ago, and also our work with the
2 Susanville Correctional Center in finding businesses that
3 could utilize the recycled textile coming out of the
4 prison system up there.

5 Now, Monica was going to be with us this morning.
6 She did manage to get through at the Committee meeting.
7 She made it as far as Reno, spent the night there last
8 night, and called me early this morning and was stuck in
9 Truckee, and had given up on being able here to be here by
10 Board meeting time.

11 But she did have a few things that she
12 highlighted for me. There's a company in Lassen County
13 called Pozzolan. And we actually had a meeting there.
14 Sometimes the local zone administrator is the facilitator
15 and calls us up and invites us to meetings. Other times,
16 we were actually aware of things going on and we invite
17 them. At this particular meeting, our RMDZ Program
18 Manager, Corky Mau, and myself became aware of a meeting
19 that was being held up there, and we invited Lassen
20 County, which participated.

21 This had to do with the new technology that would
22 replace the current paper plastic bag that normally cement
23 comes in, and this was a new high-grade plastic bag that
24 actually had the capabilities of being recycled. And at
25 that meeting, we had a company from Canada. We had a

1 company from Utah that has the technology and the
2 capability of recycling those plastic bags even with a
3 certain degree of contamination. We had a number of other
4 businesses that were interested. Our verma compost person
5 in Butte County attended, because they are looking for a
6 bagging operation. So she wanted to talk about the fact
7 that Lassen County has been the host of some broader
8 activities.

9 The inventor workshop, which she described to the
10 Committee, was actually held in mid-week and attracted 30
11 attendees. And she's currently working with some of those
12 company, as am I. She has a closed mill site in Beaver,
13 which is in the northern part of Lassen County. It has a
14 co-gen plant with it. They're hoping to site some
15 environmental businesses in there that can utilize the
16 benefit of cheap power. And they have a new resort under
17 development that is being built as a green resort. I'm
18 sorry I can't give you the details on what that might be.
19 But anyway, she wanted you to know that the zone really
20 desires this redesignation and feels it will be very
21 beneficial to their waste management practices.

22 Businesses run on relationships, and so does our
23 Northeast California zone. We actually have relationships
24 with the Sierra Small Business Development Center; with
25 CSU Chico, Center for Economic Development; with the

1 Shasta Cascadia Economic Development District; Plumas
2 County EDC; Modoc County EDC; the Inventor's Alliance of
3 Northern California; and a number of others.

4 Business-wise, we've worked specifically with the
5 Hurlong Army Depot. I mentioned before, the Susanville
6 Correctional Center. A company by the name of Carris
7 Enterprises that was taken recycled textile material and
8 working on making a fluffed insulation out of it.
9 Originals by Sue, which is a lady that takes the fur
10 lining out of the waste coats that the prisoners at the
11 Correctional Center wear and makes beautiful stuffed
12 animals out of them. Left in Stitches, which is actually
13 a Humboldt County apparel designer and manufacturer.
14 We've had truckloads of the material end up all the way
15 over the Humboldt county. Lost Creek Dirt Works, which is
16 a composting operation. Baker Development, which is a
17 proposed development that's on hold right now. It's
18 located on a geothermal site just east of use Susanville,
19 and they want to put a green industrial park in there.
20 And I worked a little bit on a brownsfield site in Plumas
21 County.

22 So with that, in closing, staff recommends that
23 the Board approve Option 1 and Resolution 2006-50, and I'd
24 be glad to answer any questions you might have.

25 CHAIRPERSON BROWN: Thank you, Steve.

1 Do we have any questions?

2 Member Petersen.

3 BOARD MEMBER PETERSEN: Just one. On the co-gen
4 facility, is that just in the concept phase right now, or
5 are they looking to -- what's the status of that?

6 MR. BOYD: That's actually a closed mill site
7 that had a co-gen plant coupled with it. And they're
8 trying to turn it into an industrial park where businesses
9 that have high energy demands could take advantage of the
10 fact that they would have power on site that would be less
11 expensive than that.

12 BOARD MEMBER PETERSEN: Is there ag in the area?

13 MR. BOYD: There is. There is ag waste. They're
14 into wild rice, a lot of field crops. And also Lassen
15 County has a very substantial strawberry operation as
16 well.

17 BOARD MEMBER PETERSEN: Is there any forestry,
18 wood chips, things like that?

19 MR. BOYD: Yes, there is. And that, of course,
20 was what powered the co-gen plant originally.

21 BOARD MEMBER PETERSEN: So this is real. That is
22 that could be -- okay.

23 MR. BOYD: The economic development folks in
24 Lassen County are aggressively pursuing the development of
25 this site.

1 CHAIRPERSON BROWN: Thank you, Member Petersen.

2 Member Wiggins.

3 COMMITTEE MEMBER WIGGINS: Yes. With staff
4 working so hard over the years here, what have been the
5 diversion successes that you can describe?

6 MR. BOYD: Well, the diversion rate within all of
7 the jurisdictions is currently -- and I've received this
8 recently from our Office of Local Assistance. It's
9 currently at 33 percent. Plumas County and Modoc County
10 has received a reduction approval by this Board.

11 The diversion that has been going on, a good deal
12 of it is the prison, which of course is the good deal of
13 the population. They have a composting operation at the
14 prison. They recycle all of their plastic. The textile
15 has been the really tough one for them that does
16 occasionally still get landfilled. And that's what we've
17 been working on.

18 In terms of tons of diverted textile, boy, I hate
19 to venture a guess. It goes out of there in 50,000-pound
20 loads, when it goes out. Another recycled diversion
21 opportunity was at the Hurlong Army Depot. I don't know
22 if you're familiar with that facility. It's between
23 Susanville and Reno. And in recent years, they used that
24 facility to destroy bombs. And when the bombs are shipped
25 into that facility, they're packed in Styrofoam. And we

1 actually diverted 100,000 pounds of Styrofoam from there
2 to the Timbron facility in Stockton a couple years ago.

3 But in terms of total tons of diversion, it would
4 be very difficult for me to answer that. I wish Monica
5 was here.

6 CHAIRPERSON BROWN: Member Peace.

7 COMMITTEE MEMBER PEACE: I know these rural areas
8 do have some unique challenges that they have to deal
9 with. I feel bad that Monica is caught in bad weather,
10 because bless her heart, she braved the bad weather last
11 week to make it to the Committee meeting. I was really
12 impressed last week at the Committee meeting by her
13 presentation and the Northeastern California RMDZ's
14 commitment to working with our staff, you know, to develop
15 recycling programs and to try to attract new recycling
16 businesses.

17 CHAIRPERSON BROWN: Any other questions?

18 Member Mulé.

19 BOARD MEMBER MULÉ: Thank you, Madam Chair.

20 Just one question. I might have missed it. And
21 I think I'm going to ask it a little bit differently from
22 Board Member Wiggins.

23 Did you share with us how many businesses we have
24 developed or started up as a result of the RMDZ
25 designation in the past ten years?

1 MR. BOYD: Well, I currently have ten clients up
2 there. You know, some of them are people I haven't worked
3 with in several years, particularly with the inventors.
4 They have an idea. They work on it for a while. They
5 call us in. We work with them for a while. And they just
6 kind of hurry up and wait. You know, it's not a high
7 traffic area. There's no question about it.

8 BOARD MEMBER MULÉ: I'm very familiar with the
9 rural jurisdictions and, you know, the make up of that
10 area. But I guess my question is, can we point to five
11 businesses, six businesses, one business that we helped to
12 start as a result of the zone designation in the past
13 ten years?

14 MR. BOYD: Well, again, I wish Monica was here.
15 It's going to have to be with the inventors. And there's
16 at least three inventors I'm working with up there that
17 had we not facilitated that meeting and brought in Alan
18 Tratner from Workshop International, those people would
19 not be moving forward in their program.

20 The composters -- and actually there's another
21 one, but I'm sorry I don't have the name because Monica
22 worked with them directly. They were people that were
23 kind of home composting that has now branched out in a
24 commercial operation. And so I think that they would
25 probably take credit for working with those people,

1 helping them get through the LEA process, get their
2 permitting, and to go from, you know, a small scale
3 unpermitted facility to a permitted facility.

4 So you know, I'll give you a number of five which
5 is to the best of my ability that I believe exists today
6 that wouldn't if it wouldn't have been for the zone and
7 our activity up there.

8 BOARD MEMBER MULÉ: Thank you.

9 CHAIRPERSON BROWN: Steve, have they taken
10 advantage of the RMDZ loan option as part of their
11 designation?

12 MR. BOYD: No, they have not. And there's one
13 thing here that's really important for me to explain in my
14 rural zones. I have the zones from Sacramento north. And
15 when SB 1322 by Senator Bergeson was developed, the intent
16 of that legislation that created our Recycling Zone
17 Program was not really loans, but diversion. The RMDZ
18 Program is a diversion program.

19 Now, the loan aspect of it is probably the most
20 important element of the RMDZ Program, because it was
21 necessary to sell this program to local jurisdictions.
22 Without the loan program, we could not have done that.

23 I have worked with ten or twelve loan recipients,
24 some of them for as long as six or seven years before we
25 got them qualified and in the position where a recycling

1 loan made sense. Some of them are probably businesses
2 that you would recognize that are very, very successful
3 due to the loan program. But these companies started out
4 sometimes in their garage and were not in a position to
5 incur debt. And we helped them through RecycleStore,
6 through our market development activities, through lining
7 up technology for them, in order to get them into the
8 position where indebtedness made sense to them and allowed
9 them to jump ahead.

10 And so I would like to say we have companies in
11 the Northeastern California zone that we've been working
12 with that we hope some day will be eligible for that
13 funding. But in the mean time, it's the diversion that
14 we're really working on.

15 CHAIRPERSON BROWN: I appreciate that. And I
16 think it is unfortunate that Monica can't be here to
17 answer Member Wiggins' specific question about the change
18 in their diversion rate as a result of this program,
19 especially since as you mentioned that is the goal of the
20 program.

21 BOARD MEMBER DANZINGER: Just a quick question.
22 That's a good point, it's about diversion.

23 Do we have more solid diversion numbers for some
24 of our other zones? I mean, do we have them for some
25 zones but not for others? Because if that's the primacy

1 of the program, then it's easy to know how much in loans
2 we've given out. I know it's more of a challenge to
3 compute how much diversion is coming from that. Do we
4 have this for some zones and not for others?

5 SUPERVISOR MAU: Corky Mau, Supervisor for the
6 RMDZ Program.

7 Yes, we do have that information. And we can do
8 the extrapolation and comparison for you, Board Member
9 Danzinger.

10 BOARD MEMBER DANZINGER: I'm just saying that's
11 good information to have like now, you know, when you're
12 reconsidering a zone designation, because obviously there
13 are multiple ways to determine success or deficiency on
14 the zones. And that's obviously I would think one so we
15 don't get so hyper-obsessed on the number of loans, which
16 is important. But if we can look at the other stuff as
17 well.

18 ACTING DEPUTY DIRECTOR SMITH: If I can add
19 something.

20 CHAIRPERSON BROWN: Sure, John.

21 ACTING DEPUTY DIRECTOR SMITH: We do track
22 numbers both for the Loan Program and the zone assisted
23 businesses. Zones are required to report each year on the
24 diversion done by each of their individual businesses.
25 Cumulatively right now including loan businesses statewide

1 for our zones, zone businesses right now -- existing zone
2 businesses right now are consuming about 10 million tons a
3 year of recycled feedstock. And as Corky said, that is
4 broken down also by individual zones.

5 BOARD MEMBER DANZINER: But we don't have it for
6 this particular zone.

7 ACTING DEPUTY DIRECTOR SMITH: We don't have the
8 zone report.

9 CHAIRPERSON BROWN: If that is part of the annual
10 report, which I think we've all expressed an interest in
11 at least a written annual report on this program or an
12 update or overview, it's unfortunate that as we're taking
13 this item up we can't show any of the successes at this
14 time over the last ten years, either diversion rate or,
15 you know, participation in the program other than the
16 assumption that the inventors workshop provided five new
17 businesses, which I think is good, especially for a rural
18 community. But I don't know that it answers the Board's
19 questions in order to adequately take this item up at this
20 time.

21 BOARD MEMBER DANZINGER: I recall even in the
22 Committee meeting there was a bit of mild confusion
23 between you and Monica on how many businesses we've
24 reached out to and how many are currently in play. So you
25 know, it was hard to get a real grasp of what's happening

1 there.

2 CHAIRPERSON BROWN: Without objection, I'd like
3 to put this item over to next month's agenda so that we
4 can have an opportunity to ask some of these questions of
5 Monica if she could be here next month. I know she was
6 here for the Committee meeting, and we wouldn't have to
7 hear this item again in Committee. We could just put it
8 back over to the full Board. And in that time, I'd like
9 to ask staff to provide in a written fashion to the Board
10 a summary of the reports by each of the RMDZ participants,
11 specifically the northeastern zone diversion rate, so we
12 can look at it in their success rate of diversion in
13 participation of the program.

14 SUPERVISOR MAU: Sure. We can do that. And in
15 fact, we were in the process of doing that and providing
16 some information at the end of this week to Board Member
17 Mulé. And I think it would be very valuable for you to
18 have that specific information. Sorry we didn't have that
19 in specificity for you today so you could make a decision.
20 And hopefully next month we can get a decision from the
21 Board.

22 CHAIRPERSON BROWN: Thank you.

23 BOARD MEMBER PETERSEN: Madam Chair.

24 CHAIRPERSON BROWN: One minute, Member Petersen.

25 Member Wiggins has expressed interest in

1 speaking, and then we'll move to you.

2 COMMITTEE MEMBER WIGGINS: Well, as another Board
3 member said, the rural areas need all the help they can
4 get. And so I think it's really important to have the
5 zones and staff working with them, because I guess it was
6 Peace that said the rural areas have new and unusual
7 circumstances to deal with. So I support the Northern
8 Recycling Zone.

9 CHAIRPERSON BROWN: Thank you, Member Wiggins.
10 Member Petersen.

11 BOARD MEMBER PETERSEN: Is it appropriate that
12 when we deal with the diversion, some of the latest
13 greatest hits on meetings and sharing information, a list
14 of what's gone on? Is that something that would be
15 appropriate?

16 CHAIRPERSON BROWN: I think that's something that
17 maybe the Zone Administrator Monica can provide what steps
18 she's taken. And if she can't be here, maybe provide it
19 in a written fashion so that we can take that into
20 consideration.

21 And I know we've had storm difficulties this
22 month. I don't fault her at all and don't want to have
23 her in any way feel that the Board was not inclined to
24 take the item up. I think we just had further questions
25 we can't get direct answers to. So we'd like to give her

1 that opportunity to be part of the Board discussion.

2 SUPERVISOR MAU: No problem.

3 And if it would help the Board, perhaps what we
4 can do is to include in this written summary for you for
5 next month is an analysis and a very brief analysis of the
6 character of each of the zones. Obviously, some of you
7 are familiar. We have zones in urban areas. We have
8 zones in rural areas. And we can bullet some of the
9 challenges, some of the successes we have asked the ZA to
10 provide to us in our annual report, and give you a
11 synopsis for each zone too. Would that be helpful?

12 CHAIRPERSON BROWN: Certainly. That would be
13 great, Corky. Thank you.

14 Okay. Next identity on the agenda is Item 11.
15 I'd like to ask the Board members if they'd like to take a
16 brief five-minute recess before we take up the last item
17 on the agenda. It's been a long morning. So we will
18 briefly recess until five minutes from now just before
19 11:45.

20 (Thereupon a recess was taken.)

21 CHAIRPERSON BROWN: We'd like to call the meeting
22 back to order. We probably need to take a roll, please.

23 EXECUTIVE ASSISTANT HARRIS: Danzinger?

24 BOARD MEMBER DANZINGER: Right here.

25 EXECUTIVE ASSISTANT HARRIS: Mulé?

1 BOARD MEMBER MULÉ: Here.

2 EXECUTIVE ASSISTANT HARRIS: Peace?

3 COMMITTEE MEMBER PEACE: Here.

4 EXECUTIVE ASSISTANT HARRIS: Petersen?

5 BOARD MEMBER PETERSEN: Here.

6 EXECUTIVE ASSISTANT HARRIS: Wiggins?

7 COMMITTEE MEMBER WIGGINS: Here.

8 EXECUTIVE ASSISTANT HARRIS: And Brown?

9 CHAIRPERSON BROWN: Here.

10 Thank you.

11 Now we will take up Agenda Item 11, Deputy

12 Director's Report, Mr. Lee.

13 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

14 Again for the record, my name is Jim Lee, Deputy Director

15 for the Special Waste Division.

16 Board Item 11 is Report on the Status of and

17 Request for Direction for the Remediation of the Sonoma

18 County Waste Tire Sites. This item was heard by Special

19 Waste Committee. Most Board members were in attendance

20 last week, so I won't provide an exhaustive recap.

21 However, in keeping with the fact that this is a

22 discussion and request for direction and not a

23 consideration item, I want to give you staff conclusions

24 and recommendations after reflecting on the input from the

25 responsible landowners and the direction from Board

1 members last week.

2 First, with regard to the Board-managed
3 remediation on four of the eight sites, that is the Beebe
4 Family Ranch site, the Briggs site, Wilson Beebe, and
5 Silacci sites, the remediation of these sites containing
6 80 percent of the known waste tires in Sonoma County was
7 successfully concluded last year. However, staff did hear
8 some reports in recent months that the erosion control
9 measures on at least one of the sites, the Silacci site,
10 was not performing as expected. However, at the Special
11 Waste meeting, Mr. Don Silacci and his engineer spoke
12 about the erosion that had occurred this past winter, but
13 made it clear the duration of heavy rains, including a
14 100-year storm event which exceeded the 25-year design
15 capacity of the erosion control system, was responsible
16 for the site not meeting expectations.

17 I want to note again for the record that the
18 Board has no responsibility for any costs associated with
19 the erosion control pursuant to the negotiated cost
20 recovery agreement with Mr. Silacci and the other
21 landowners. However, staff took favorable notice of
22 Mr. Silacci's stated commitment to make necessary repairs
23 and to otherwise comply with the provisions of his
24 negotiated cost recovery agreement, despite the
25 unanticipated expense that will result.

1 Another site which was remediated last year was
2 the Wilson Beebe site. We heard from the site
3 representative, Mr. Max Nicholson, before and after the
4 Committee meeting. The nature of his comments were
5 largely that he felt that his client was being improperly
6 associated with problems and concerns that staff was
7 expressing about other sites. However, with regard to
8 this matter, Board members may recall that I made the
9 following statements in my open remarks at the Committee
10 meeting last week.

11 "Additionally, in light of recent discussions
12 with the Wilson Beebe site, I wanted to reaffirm
13 our engineer's evaluation that the restoration
14 efforts there have held up well and acknowledge
15 staff's appreciation of the landowner's efforts
16 in this regard.

17 "The site was advised they will be providing
18 the final plans once the grading permit process
19 is completed and will be exchanging cost
20 documentation with the Board so we may bring this
21 site to a successful conclusion."

22 As I have since reiterated in a more recent
23 e-mail to Mr. Nicholson we are well pleased with the
24 remediation and subsequent erosion control project and do
25 not anticipate any difficulties in concluding our cost

1 recovery negotiation after as-built and cost information
2 is exchanged.

3 Another site that was remediated last year was
4 the Beebe Family Ranch site. The site was the largest of
5 the Sonoma tire sites. Ms. Karen Gerbosi, the site owner,
6 worked very purposefully to complete environmental
7 permitting and erosion control responsibilities pursuant
8 to her cost recovery agreement with the Board and worked
9 very cooperatively with Board staff and contractors. I
10 believe that Ms. Gerbosi is in the audience today and
11 wishes to address the Board on this matter.

12 All of the sites that were remediated last year
13 were distinguished by the fact that all or practically all
14 of the tires were removed from the sites. The only
15 notable exception to this blanket statement was the
16 Silacci property where the bottom layer or two of tires
17 was left to provide interim erosion control protection for
18 the site and to be incorporated into the permanent erosion
19 control system.

20 Now I want to contrast the results on the sites
21 remediated last year with the situations on the sites
22 remaining that is the Universal Portfolio, Infineon
23 Raceway, Floccini, and Ahlgrim sites. Many landowners on
24 the sites that remain to be remediated have ostensibly
25 labored under the misunderstanding the Board would allow

1 tires deemed as "imbedded" in soil to be left in place
2 with only a top layer of loose tires to be removed. Their
3 perception is reflected in what we understand to be their
4 preliminary design plans for the sites and the recommended
5 alternatives in the draft environmental documents calling
6 for a substantial number of tires to be left in place.

7 Staff believes that to leave the majority of
8 tires in place is contrary to State law and regulation and
9 Board direction. Furthermore, it is inconsistent with the
10 Board remediations already accomplished to date. I noted
11 at the Special Waste Committee that the provision for
12 negotiated cost recovery already represents a departure
13 from the Board's customary legal and administrative
14 processes for dealing with waste tire sites. I've also
15 noted that on the Silacci site staff attempted to be even
16 more accommodating by allowing the bottom layer or two of
17 tires to be left in place to provide the interim erosion
18 control protection for the site in accordance with the
19 clarification we provided on this issue back at the August
20 2005 Board meeting.

21 Staff believes that the argument that a majority
22 of tires be left in place stretches Board forbearance and
23 accommodation to an unreasonable extent, and staff would
24 ask the Board not endorse or accept it.

25 With that overview, I would now like to address

1 specific comments and recommendations from each of the
2 remaining sites.

3 Universal Portfolio. Universal Portfolio is the
4 largest of the remaining four Sonoma waste tire sites. It
5 is also in staff's opinion the site with the best chance
6 of being remediated this year for the following reasons.
7 A categorical exemption is already in place for the site,
8 albeit one that calls for a recommended project of leaving
9 a substantial number of tires in place with a soil cap.
10 Intuitively, however, the environmental impacts of
11 excavating all or most of the tires and backfilling with
12 soil or other materials should not be significantly
13 different from an environmental standpoint from the
14 original recommended project.

15 With regards to potential permit issues, we have
16 already confirmed with the Sonoma County Planning
17 Department that the act of replacing one fill material,
18 that is the tires, with another while keeping the same
19 grades would not adversely impact or require substantive
20 permit changes.

21 Finally, on the issue of whether tires are likely
22 to be silted in and therefore potential candidates for
23 being left in place, staff would point to our experience
24 on the sites remediated to date. The key nature is the
25 nature of the drainage course where the tires are located.

1 The Silacci site, apparently much like the Universal
2 Portfolio site located upgradient to it, consists of
3 washouts or erosion gullies that only have water flowing
4 through them when it rains.

5 Thus, at Silacci, and most likely at Universal
6 Portfolio, the underlying soils are relatively dry with
7 relatively few tires, the bottom-most layers that are
8 silted in or imbedded. This is in contrast to sites where
9 the drainage course consists of an active stream where it
10 is possible upstream tires may have collected sediment
11 carried down from the hillsides resulting in dirt between
12 all voids between the tires filled with soil.

13 Most importantly, whether there are any silted
14 layers at the Universal Portfolio site to be considered or
15 whether like Silacci, only one or two layers thick will be
16 left to provide interim erosion control. The decision on
17 how many of the tires that will be left has to be at the
18 sole discretion of Board staff and contractors. The
19 erosion control plan for the site must be flexible enough
20 to accommodate the situation.

21 Staff was encouraged by the remarks of the site
22 representative, Mr. Richard Idell, that he is directing
23 his engineer to review the erosion control plans for the
24 site given the Board direction at the Committee meeting.
25 But we note that his remarks stopped short of an

1 unequivocal commitment to remediate the site by a time
2 certain. Given that staff feels CEQA and permit issues
3 are easily addressed and other variables are under the
4 direct control of the site owner, staff feels that
5 remediation of the site can and should be accomplished
6 this year.

7 Our staff will be consulting with Universal
8 Portfolio's representative and their engineers on these
9 issues. And I hope to be able to report by the April
10 Board meeting that the plans have been revised to our
11 satisfaction, that we are conferring with the county as to
12 any final permit issues, and that we are gearing up for a
13 remediation project this summer.

14 On the Infineon Raceway project, Mr. Giacomini,
15 the site representative, indicated the desire to remediate
16 the site as expeditiously as possible, while noting
17 difficulties they were experiencing in resolving
18 endangered species issues. He also indicated a desire to
19 implement an erosion control project involving removal of
20 only loose surface layers and keeping a majority of tires
21 in place with the application of a soil cap.

22 Now, my educational background is in the
23 environmental field. And in one of my earlier lives,
24 before coming to work at the Board, I've been an
25 environmental consultant in the private sector and had the

1 opportunity to run a NEPA and CEQA review and analysis
2 section for the State Water Resources Control Board. The
3 Water Board at the time was in the business of providing
4 grants to local jurisdictions for building wastewater
5 treatment plants and collection systems, many of which
6 were located in sensitive areas.

7 This is a long and roundabout way of saying I'm
8 familiar with the fact that resolving endanger species
9 issues is not easy, but it can be done. A lot depends on
10 how the regulatory agencies are approached and what they
11 are approached with. For example, I would expect their
12 reaction to a project for a private development of a
13 raceway to be received differently than a request made at
14 the behest of another governmental agency with the purpose
15 of protecting public health and safety and in the process
16 of providing additional long-term protection for the
17 species involved.

18 On the Beebe Family Ranch site, good results were
19 obtained by proactively offering mitigation for a
20 potential endangered species impact. Mr. Giacomini's
21 presentation was not clear on whether the Fish and
22 Wildlife Service had passed muster on their recommended
23 project of just removing loose tires and placing a soil
24 cap. If indeed that had received approval, I would see no
25 difference from an environmental impact basis of removing

1 all or most of the tires. For the same reason as
2 Universal Portfolio, the grading permit shouldn't be an
3 issue if the grade isn't being changed.

4 We have now been provided recently the draft CEQA
5 environmental checklist for this site, which appears to
6 indicate the removal of all of the tires. And thus this
7 may not be an issue. However, I'm again hopeful we will
8 be able to report by the April Board meeting this issue
9 has been resolved to the Board's satisfaction.

10 On the Floccini site, the landowner has reported
11 that there are special circumstances at his site, namely
12 there is an unstable slope that has moved, potentially
13 causing the tires to be wholly silted into the slope.

14 Staff's recommendation to the Board on this site
15 is that the landowner acknowledge Board's intent to remove
16 as many tires as possible; that erosion control plans be
17 flexible to accommodate this intent; but that staff will
18 endeavor to reasonably accommodate landowner's desires to
19 leave imbedded and wholly silted in tires in place.

20 On the Ahlgrim site, this site is one where the
21 landowner purposefully covered tires on his property
22 ostensibly to meet the demand of the local Mosquito
23 Abatement District but in contravention of directives to
24 remove the tires. The site currently does not have a
25 negotiated cost agreement with the Board but has indicated

1 intent to request one.

2 Environmental work for the site is being provided
3 by the RCD which has indicated the recommended project is
4 for leaving all of the tires buried on the site with the
5 only accommodation that additional soil be brought in to
6 bury them even deeper.

7 Staff's recommendation for this site is that a
8 negotiated cost recovery agreement should only be
9 considered with the landowner's compliance with the
10 following terms and conditions: The landowner should
11 craft plans calling for all tires to be excavated or
12 removed from the site.

13 The landowner should be responsible for all
14 environmental permit compliance and erosion control after
15 the tires are removed and all other conditions for
16 negotiated cost recovery set forth in the Board July 2003
17 item.

18 Finally, I want to comment about the Sonoma
19 County Resource Conservation District. The RCD has been
20 acting as lead agency for the Infineon, Floccini, and
21 Ahlgrim sites. The RCD was also the lead agency for
22 several of the other sites remediated last year, except
23 for the Beebe Family Ranch site. We have received an
24 e-mail from a representative of the Wilson Beebe site
25 expressing his gratitude for the assistance that the RCD

1 provided in the remediation of that particular site.

2 To the extent the RCD was helpful in this regard
3 on the Wilson Beebe and the other sites, staff would like
4 to express our appreciation. However, to date, we cannot
5 confirm the RCD has made substantive progress in obtaining
6 necessary California environmental quality and permit
7 approvals for the remaining sites. We remain concerned
8 the outlook for remediation of these sites this calendar
9 year is problematic. Indeed, we are disappointed and
10 taken aback at statements and draft environmental
11 compliance documents received from the RCD last Friday
12 which purport to show that the Board is accepting of
13 leaving a significant number of tires on site. This is of
14 course contrary to the Board's direction, but is perhaps a
15 clear expression of RCD and landowner intent absent of any
16 further action by the Board.

17 All of the environmental documents presented are
18 being reviewed by Board staff and the Board environmental
19 consultant. After review, we propose to then meet with
20 the RCD and its consultant and propose time schedules and
21 milestones for completing the environmental compliance and
22 permitting process expeditiously so these sites may
23 finally be remediated. Again, I'm hopeful that we'll be
24 able to report back at the April Board meeting that there
25 is a consensus on these timetables and milestones. And if

1 so, I will then be able to regularly report back to the
2 Board as to whether the RCD is meeting the milestones or
3 not. If at any point staff determines a milestone has not
4 been timely met without sufficient justification, we will
5 so advise the Board and recommend that steps be taken to
6 have the Board take over as lead agency and/or amend the
7 cleanup and abatement orders in posing specific deadlines
8 on the landowners to complete the environmental compliance
9 process and remediate their sites.

10 That concludes staff's presentation.

11 CHAIRPERSON BROWN: Wow. Thanks, Jim.

12 So just to clarify, you have received since our
13 Committee meeting last Wednesday -- there was a direct
14 request by the Committee for CEQA documents. You
15 indicated that you received an environmental checklist.
16 Did you receive any CEQA documentation initial, draft of
17 any type that was promised at the Committee meeting?

18 DEPUTY DIRECTOR LEE: We received nothing else
19 except for the some other preliminary studies that have
20 been done, various biological studies that have been
21 completed in the years I think '04 and '05. But there
22 were no other environmental documents other than the
23 initial checklist which was a working draft was presented
24 to us. And, indeed, the environmental checklist is indeed
25 literally one of the first steps in the CEQA process.

1 CHAIRPERSON BROWN: So this may be another
2 misunderstanding that occurred after the Committee
3 meeting.

4 DEPUTY DIRECTOR LEE: Well, I would --

5 CHAIRPERSON BROWN: No need to respond to that.
6 I was just clarifying that that may have been another
7 misunderstanding that we need to address.

8 I understand Board Member Wiggins would like to
9 ask a question.

10 DEPUTY DIRECTOR LEE: Ms. Brown, I think we
11 received all that was available, is my understanding.

12 CHAIRPERSON BROWN: Thank you.
13 Member Wiggins.

14 COMMITTEE MEMBER WIGGINS: Yes. I just wanted to
15 remind the Board and staff that the federal government and
16 the State government had recommended waste tires be used
17 for erosion control on farmland. And that was before the
18 1992 Tire Act, which certainly changed that direction. So
19 some of these tires had been placed under State and
20 federal regulations. And so I just want to bring that
21 everybody's attention. I've seen the documents that
22 provided how to use waste tires.

23 Also I just wanted to remind folks that the
24 Sonoma County Resource Conservation District, Southern
25 Sonoma County as a lead agency really knows these sites,

1 you know. Every site has its own circumstances and some
2 special erosion issues, and there could be whatever,
3 stabilizing the side of a hill. And I was very impressed
4 with the knowledge that that lead agency had regarding
5 those sites. That's it.

6 CHAIRPERSON BROWN: Thank you, Member Wiggins.

7 Any other questions of Jim Lee before we move to
8 our speakers?

9 Okay. I'd like to first call Karen Gerbosi who
10 is here on behalf of the Beebe Family Ranch to speak.

11 MS. GERBOSI: Yes.

12 CHAIRPERSON BROWN: Thank you.

13 MS. GERBOSI: Good afternoon, Madam Chair and
14 members of the Board.

15 I'm here today to introduce myself and our
16 project to the new members of the Board. I've come before
17 the Board a number of times, and the Board has visited our
18 site a number of times over the years. But most of you
19 are now fresh to this project, so I'm going to kind of
20 catch you up a little bit on some of the back story.

21 My brothers and sister and I own the Beebe Family
22 Ranch in Petaluma. In the late '70s and early '80s, my
23 father used waste tires to solve an erosion problem on
24 our family ranch. Many years later this seemingly ideal
25 solution proved to be a bigger problem than the original

1 soil erosion.

2 I've been working towards the removal of the
3 tires from the property since 1992 when I became the
4 managing partner for our ranch when my mom passed away.
5 In November of 2002, ten years later, we greatly
6 accelerated our efforts when we began biological,
7 environmental, and engineering evaluation of our site. We
8 undertook this evaluation and analysis so the essential
9 plans could be prepared to satisfy the agencies involved
10 and get the permits that would be required for the tire
11 removal. We had plans prepared for grading, erosion
12 control materials, and extensive site restoration
13 planning. In July of '03, when the Board passed a
14 Resolution to establish the willingness to negotiate
15 program, we agreed to the program and continued to move
16 forward on the tire removal project.

17 In the summer and fall of '04, we submitted all
18 the applications and documents for getting the 401 water
19 quality certification, the 303 nationwide 38, Section 7
20 consultation, 1603 stream bed alteration, an Army Corps of
21 Engineers wetland delineation, CEQA determination, grading
22 permit, and storm water pollution prevention plan. To get
23 these permits, we submitted applications to the U.S. Army
24 Corps of Engineers, U.S. Fish and Wildlife, California
25 Fish and Game, California Regional Water Quality Control

1 Board, Sonoma County Permit and Resource Management
2 Department, and to our lead agency, the California
3 Integrated Waste Management Board.

4 In the fall of '04, with confidence in the
5 thoroughness of our plans and the completeness of our
6 applications, we were able to commit to the Board that we
7 would be ready for the Board's contractor to begin tire
8 removal from our ranch in the late spring of '05.
9 Throughout these years of planning, we have hosted
10 numerous visits by the Board and staff to our Petaluma
11 ranch. I've also come before the Board often to keep the
12 Board informed of our activities and progress and to
13 answer the Board's questions.

14 The Board's contractor began tire removal in
15 early June of '05, and 15 weeks later removed the last
16 tires from our ranch on September 21st. As the tires were
17 removed from the ravine, we began our grading and site
18 restoration and erosion control activities. Since August,
19 we've spread 400 pounds of native grass seed, planted 4200
20 channel plants, and 300 trees. We expect to complete the
21 remainder of the planting by the end of '06, another 4,000
22 plants and another 1,200 trees. These native plants and
23 trees will be planted throughout the approximately
24 nine-acre site.

25 This is before. For those of you that are

1 familiar with the area, that's Mount Tam way in the back.
2 In the foreground, you can see tires. This is just a
3 small portion of the half-million tires that were on our
4 property before we finished the project.

5 And then this is after.

6 While my thrifty parents probably wouldn't have
7 chosen this way to protect this half-mile ravine from
8 erosion, I'm satisfied we're doing the right thing. At
9 the end of the day, it is the commitment of every good
10 rancher to take care of their land, and we're satisfied
11 we're meeting that challenge.

12 We appreciate the cooperation and fair treatment
13 we've received from the Board and Board staff, and we
14 worked very hard to be good partners in the accomplishment
15 of our project. We hope our experience on this project
16 will be useful to the Board as an example of cooperation
17 in partnership, and we welcome any questions or requests
18 from the Board.

19 CHAIRPERSON BROWN: Thank you very much. The
20 pictures are impressive. It's beautiful.

21 Do we have any questions for Ms. Gerbosi from any
22 Board members?

23 Thank you very much. I appreciate your
24 presentation and your comments.

25 MS. GERBOSI: Thank you.

1 CHAIRPERSON BROWN: Just for information of the
2 audience, I'm taking the speakers in the order of those
3 projects that have already done their cleanup and then
4 we'll move to those that are pending cleanup.

5 The next speaker, Joe Pozzi from the Gold Ridge
6 Resource Conservation District to discuss the Briggs site
7 update.

8 MR. POZZI: Good afternoon, Madam Chair and
9 Board. I just wanted to give a quick overview of the
10 Ernie Briggs site, which is in our district. Again, I'm
11 Joe Pozzi with the Gold Ridge Resource Conservation
12 District which connects with the Southern Sonoma District.

13 The tire removal is complete. We started the
14 removal after all the engineering and design work and
15 permitting processes were done. We began removal in the
16 middle of August of 2005, and it was completed at the
17 beginning of October. As they were being removed, the
18 restoration project, their implementation was being done
19 along with that.

20 As with many of the other sites, as Chairperson
21 Wiggins has mentioned, these were done for erosion control
22 years ago. The Briggs family actually got an award for
23 their stewardship by using tires in the late '60s from the
24 Soil Conservation District back at that time. So it's
25 kind of a challenge for these landowners to have thought

1 they did something real well years ago and now having to
2 deal with it. And we're working hard to accommodate them
3 as we all hopefully are.

4 The restoration of the main gully, which was the
5 largest part of this project, you see it probably in your
6 handouts that you had earlier, held well during our
7 December 31st and January 1st rain event, which was again
8 100-year storm event. The restoration worked well. We
9 had some engineers from your staff as well as your staff
10 itself come out and look. And it all did as well.
11 There's a side gully we are going to finish the
12 restoration on this spring and summer. And at that point,
13 we'll be providing all the as-builts to the staff for your
14 observation and discussion.

15 But overall, we're happy with the project. We're
16 happy it's done. The landowners are relieved that it's
17 out of the way. We appreciate the assistance. And any
18 more assistance that we can have, we always well
19 appreciate from your Board. If you have any questions,
20 I'd be happy to answer them. Otherwise, thank you very
21 much.

22 CHAIRPERSON BROWN: Thank you very much,
23 Mr. Pozzi.

24 Any questions of this speaker? Thank you very
25 much for coming.

1 Mr. Silacci.

2 MR. SILACCI: Madam Chair, members of the Board,
3 my name is Don Silacci.

4 We went through this project starting in August.
5 Finished it up about the first of October. Removed 650
6 tons of tires. And of that tires, there was probably 100,
7 150 tons of earth that came out of that site.

8 Went back in and did our restoration project best
9 we could with what we had to work with. Reseeded,
10 revegetated everything. And as Mr. Lee said, some tires
11 did remain.

12 I've got to say this, because I'll feel better.
13 I don't know how you're going to feel about it. But they
14 probably -- in the process of taking the tires out, they
15 dug six or eight feet into the earth to get all the tires
16 out. By doing that, a lot of earth came out of those two
17 sites. When we sat down and we got all the bills for the
18 restoration project, it probably increased the restoration
19 cost at least 25 percent. At this point, as I said last
20 week, after this January storm, we had some erosion
21 problems back there, and we will be going back in there as
22 soon as possible to take care of these sites. And so
23 hopefully this erosion will be able to slow it down or
24 maintain it 100 percent. But I doubt if we can do
25 100 percent, but we will slow it down.

1 On top of that, it has really put us in a
2 financial bind. By the time we're all done, go back and
3 redo this, and we're going to have a loan at the bank well
4 over quarter of a million dollars.

5 I have a small dairy. I have a son that wants to
6 take the dairy over, and it's going to put us in a really
7 tough position after the letter I showed you last week.
8 So it's going to be hard.

9 I guess one of my questions is to the Board, so I
10 can get this behind me, would they accept an estimated
11 cost of what this future expense is going to be so that we
12 can sit down and get this cost recovery out of the way so
13 I can decide what I'm going to have to do down the road,
14 because it's getting -- I guess you could say, well, I've
15 got two chances, slim and none, to survive this thing
16 financially. So I want to get ahead with it and move down
17 the road.

18 Thank you. Do you have any questions?

19 CHAIRPERSON BROWN: Mr. Silacci, thank you. We
20 appreciate your being here again.

21 And I think that Member Wiggins has a question or
22 comment.

23 COMMITTEE MEMBER WIGGINS: You didn't say what
24 the letter actually said. As a dairy farmer, your
25 cooperative said --

1 MR. SILACCI: As a dairy farmer, my cooperative
2 sent a letter to us probably three weeks ago that stated
3 we work under supply and demand cost of production and
4 what have you. And because the supply is so great right
5 now based on a couple different things, production in the
6 United States and imports that come in from out of the
7 country, our milk price will be dropping 20 percent
8 March 1st. Twenty percent in my operation amounts to 9 to
9 \$10,000 per month. So that taking that 9, \$10,000 a month
10 right off the top, that puts us in a negative cash flow.

11 COMMITTEE MEMBER WIGGINS: Thank you.

12 CHAIRPERSON BROWN: Mr. Silacci -- Mr. Levine,
13 could you respond to Mr. Silacci's question with respect
14 to the agreement regarding the negotiate cost recovery
15 element, or Mr. Lee, whomever is appropriate.

16 DEPUTY DIRECTOR LEE: Yes, Madam Chair, if we
17 may. I think most germane to this issue is to have Bob
18 Fujii and our site engineer who was Albert Johnson address
19 the issue about the number of tires that were removed.
20 And then Mr. Levine can follow up with any cost recovery
21 negotiations that you may want to discuss or bring up.

22 CHAIRPERSON BROWN: Thank you.

23 Mr. Fujii.

24 SUPERVISOR FUJII: Bob Fujii, Special Waste
25 Division.

1 And in talking to both our contractor and Albert
2 Johnson, site manager of the remediation of the project,
3 it's my understanding there were no buried tires removed
4 from the site. Some of the tires certainly could have had
5 some dirt or soil on them as they're being removed, but
6 certainly none of them were buried in the site at the time
7 we removed them. So that point of clarification on that.
8 There was no excavation beyond the grade of the site, is
9 my understanding as well. And I could have either EERG or
10 Albert Johnson come up and speak a little bit more on that
11 if you'd like. But that's the reality as I know it.

12 CHAIRPERSON BROWN: Unless anybody has any
13 specific questions, that answers the question.

14 And now Member Peace.

15 COMMITTEE MEMBER PEACE: Why is there you know
16 Mr. Silacci thinks we went down six feet more than we
17 needed to and we're saying we didn't? How come there's
18 such a difference?

19 SUPERVISORY FUJII: I can have Albert and/or EERG
20 respond to that.

21 MR. JOHNSON: Albert Johnson with the Tire
22 Remediation.

23 At that site, as EERG began the excavation,
24 there's one area where they dug down to soil, removed all
25 the tires in order to place the excavator in the hole to

1 excavate the other tires around it. That area wasn't
2 maybe a couple of hundred square feet or something like
3 that, if not less. Just enough for the excavator to sit.

4 Then it pulled out the tires. You know, in fact
5 as we've said several times, we've left one or two layers
6 of tires which consists of about one or two tires in
7 height, maybe two feet, three feet, something like that.
8 So we didn't purposefully excavate tires that were buried
9 or imbedded. In fact, at that site, as Jim pointed out in
10 his Deputy Director's Report, the bottom of the hole was
11 relatively dry, and there really weren't many tires that
12 were stuck in the soil, as in contrast to what the Karen
13 Gerbosi site, the Beebe Family Ranch, where there were
14 tires that were silted in to a depth of up to ten feet
15 that were all excavated out.

16 I hope that answers your question.

17 COMMITTEE MEMBER PEACE: So you took tires down
18 to the soil level just to make a platform for the
19 excavation?

20 MR. JOHNSON: Yeah. That was a health and safety
21 issue so the excavator was stable. In fact, over that
22 area, tires were replaced at a height of like I say -- the
23 layer or two, so maybe two, three feet of tires.

24 COMMITTEE MEMBER PEACE: Thank you.

25 CHAIRPERSON BROWN: Thank you, Albert.

1 Member Wiggins, do you have a question?

2 COMMITTEE MEMBER WIGGINS: I'm not sure I
3 understand the answer to the question about digging beyond
4 the depth of the tires to get them excavated. I don't --
5 it seems like there's a discrepancy in the issue here.

6 CHAIRPERSON BROWN: Could you explain how you got
7 to the elevation for the platform for the excavator? I
8 think there needs to be some clarification on that. Did
9 you excavate additional land and soil beyond removal of
10 the tire to create a flat surface for the excavator?

11 MR. JOHNSON: I'll let Gary Dellavecchia from
12 ERRG answer that question.

13 MR. DELLAVECCHIA: Good morning.

14 CHAIRPERSON BROWN: Can you state your last name
15 as well for the record?

16 MR. DELLAVECCHIA: Gary Dellavecchia with
17 Engineer and Remediation Resources Group.

18 At the Silacci site due to the steepness of the
19 ravine, we had to safely access the tire removal area. In
20 order to do that, we had two options. We could either
21 crawl over the existing tires as they lay on the slope,
22 unsure of what the stability of those tires would
23 accommodate for the heavy equipment, or we could take the
24 tires down to the earthen surface not disturbing the
25 earth, but just take it down to remove the tires so the

1 operator could safely access the logistical points to
2 remove the tires safely from the ravine itself. At that
3 location that is exactly what we did.

4 It is our desire to work safely. And in this
5 manner to work safely and access the area safely. We
6 simply cut the tires. When I say remove the tires or cut
7 the tires, just took them off so we could access the earth
8 below them and our equipment could safely track down to
9 the ravine for the tire removal effort.

10 These tires from the Silacci site were taken to a
11 Gilroy recycling facility where they were processed.
12 These tires did not go off into the altered tire letter
13 for direct disposal. They went through with -- the tire
14 recycler went through full shredding process. Whereas, on
15 Karen's site, the Beebe site, a lot of those tires had to
16 go off for direct land disposal. The entire tires were
17 silted in, completely encapsulated and filled in with dirt
18 would actually damage the equipment that performs the
19 recycling and reuse program.

20 The tires that were removed from -- which I
21 simply bring up as an example. If you dig out silted
22 tires or if you dig out imbedded tires or if you're
23 removing too much dirt when you remove the tires, you end
24 up actually having to go to direct disposal, because the
25 tire processing equipment simply cannot handle that volume

1 of dirt.

2 With the Silacci site, that was not the case.

3 All of the tires were removed. We did not go below into

4 dirt layers. The tires were removed to the elevation of

5 imbeddedness or complete burial, and all of those tires

6 went through the recycling facility reuse program.

7 CHAIRPERSON BROWN: So you're saying there wasn't

8 earth excavation in order to provide a flat surface for

9 your excavator?

10 MR. DELLAVECCHIA: No, there was not earth

11 excavated. No.

12 CHAIRPERSON BROWN: Does that answer your

13 question?

14 COMMITTEE MEMBER WIGGINS: So the earth was not

15 disturbed then?

16 MR. DELLAVECCHIA: No. There's a difference

17 between disturbing the earth and excavating the earth.

18 And semantically, I don't know if we need to describe

19 that. But whenever heavy equipment -- especially on a

20 steep ravine, whenever heavy track equipment is going down

21 a steep ravine, you are going to have some disturbance.

22 Excavation would be if that material was too silty or

23 would not maintain the weight of the equipment. In other

24 cases, in other instances not associated with this tire

25 removal, yes, you do have to remove that siltation layer

1 and get down to a hard plane so your equipment can safely
2 walk on it and not just simply slide.

3 In this case, we engineered and removed the tires
4 down to the earthen surface. And that earth was stable
5 enough on the steep slope to access the tires. Obviously,
6 during the access of that, the heavy track equipment will
7 create some marks and scuff up the earth. So there is a
8 disturbance, per se, but there was no excavation of
9 earthen material.

10 COMMITTEE MEMBER WIGGINS: Thank you.

11 CHAIRPERSON BROWN: Thank you, Gary.

12 Any other questions?

13 WASTE TIRE DIVERSION MANAGER DELMAGE: Mitch
14 Delmage, Manager of the Waste Tire Program.

15 If you can add three visualizations.

16 One, envision the areas before there were any
17 tires. That's the earth. That's the bottom. Tires are
18 on them. If there's no natural action or no man-made
19 action to add dirt on them, they're all loose, you just
20 take them off.

21 In some cases, there were natural actions over
22 the years where dirt came in and settled in some of the
23 lower ones. There's a decision that needs to be made by
24 the engineers how far down through that artificial or that
25 naturally created artificial surface do we go.

1 And then there's a third scenario where they're
2 in a pit or a hole, and people come along and cover them
3 up intentionally. That's a whole different story. So
4 just kind of keep those three scenarios in mind as we go
5 through this.

6 CHAIRPERSON BROWN: Thank you, Mitch.

7 Mr. Levine, can you address Mr. Silacci's
8 specific request or question regarding the negotiated cost
9 recovery?

10 STAFF COUNSEL LEVINE: Thank you, Madam Chair.
11 Steve Levine from Legal Office of the Waste Board.

12 With respect to each of the sites that have
13 already been remediated with respect to the tire removal,
14 we have already entered into cost recovery agreements with
15 those landowners for specified amounts and pretty much
16 have concluded that process.

17 What I believe Mr. Silacci is requesting is to
18 reopen the negotiations with respect to his site after the
19 work has been completed. Factors to consider in that
20 determination would include going back to the July 2003
21 item which we first set this negotiated cost recovery
22 process in motion, and one of the integral elements which
23 would be a factor for this Board's consideration of how
24 much cost recovery to forgo is the amount of the expenses
25 that the landowner has on his part in particular with the

1 restoration of his land.

2 Early on in the process shortly after the July
3 2003 Board meeting, an agreement was reached with the
4 landowners and staff at the Board that we would provide
5 that negotiated cost recovery amount before the work was
6 done so they have some idea what they were getting into.
7 Which meant, of course, this Board was left with only an
8 estimate of how much the restoration costs would be for
9 landowners.

10 What I believe Mr. Silacci is representing that
11 at his site there will be likely a marked increase in the
12 amount of his restoration costs in large part -- there was
13 some differing testimony today, but at least in part
14 because we all know to be a 100-year storm, which I
15 believe we all empathize with that these landowners had to
16 endure this shortly after their restoration work was
17 completed.

18 Therefore, from our perspective, it would be
19 within the Board's discretion to revisit to what
20 percentage of our costs to our contractor would be
21 foregone in cost recovery with respect to a site such as
22 Silacci's if they make -- if they establish that, in fact,
23 their actual restoration costs are substantially higher
24 than that anticipated prior to the original deal.

25 CHAIRPERSON BROWN: Thank you, Mr. Levine.

1 Any questions by the Board?

2 Okay. We have a couple more speakers.

3 Mr. Idell, Universal Portfolio.

4 MR. IDELL: Good morning. Thank you for the
5 opportunity to address you. I know some of you are new.
6 I want to talk a little bit about the Universal Portfolio
7 site.

8 At the Board's meeting in August of 2005, we
9 submitted a letter and exhibits regarding the history and
10 efforts of this thing. And I want to give you some
11 highlights. The Universal Portfolio property is south of
12 Petaluma along Lakeville Highway. Across the highway is
13 the Petaluma River. One of the issues throughout this
14 environmental process has been the impact of these removal
15 processes on the river which suffers from silting problems
16 and that sort of thing.

17 The property is primarily agriculture vineyards
18 and olive trees. The property was purchased by Universal
19 in 1994, and at the time the property was part of a dairy
20 ranch. The tires were placed there by a prior landowner
21 for the same reasons that other tires have been discussed
22 here today were placed due to a program of erosion
23 control.

24 And at the time, my client was told that the
25 County of Sonoma had requested removal of the tires and

1 the old landowner had worked out a program for removal of
2 the tires for 5,000 tires a year. But my client who has a
3 very well manicured piece of property decided he wanted to
4 get rid of them. So in 1996, we executed a removal
5 process quite different than what has been described here,
6 because we didn't take heavy equipment and put it in the
7 middle of the tire pile. We used smaller pieces of
8 equipment and we chained the tires together and pulled
9 them out. These were primarily loose tires on top. And
10 in the first year, we removed about 30,000 tires. And
11 then in 1997 we removed 110,458 tires, which is a total of
12 140,000 tires. At that time, we realized there were twice
13 as many tires in there as we had been originally told.
14 And the landowner was obviously quite frustrated that his
15 goal of removing the tires, which is your goal today, was
16 not accomplished.

17 The next year was the first contact with your
18 Board. And we responded by hiring an engineering -- and
19 the first contact was with an Abatement Order. We
20 responded by hiring an engineering firm to try to figure
21 out what was the best way of dealing with this. We
22 provided all of that information to your Board.

23 Things progressed, and eventually, you know, in
24 2003 as part of the Legacy Tire Plan, we together with
25 other landowners agreed to negotiate with the Board over

1 cost recovery and began this process of doing the
2 environmental review studies and getting the various
3 permits leading to finally a removal and remediation.

4 Through last August, including the removal of the
5 original tires, we had already spent \$438,000 on this.
6 And all of the items of cost and the basis for it and the
7 manifest regarding the tire removal were in the package
8 that was submitted to your Board that are in the record.

9 When we appeared up in Sonoma last year -- and I
10 have some photographs here I'd like to hand to the Clerk.
11 I only have five copies I think. But perhaps there's five
12 copies of three different photographs. Perhaps you can
13 share. I apologize for that.

14 When we appeared up in Sonoma, there were a
15 number of presentations and speakers. And one of the
16 speakers that appeared and made a presentation was Bill
17 McCormick who's with Kleinfelder. And at that time,
18 Mr. McCormick told the Board that these tires actually had
19 been providing an erosion control service as well as slope
20 stability. These drainages on the Universal site and
21 Silacci site are within a geological formation that is
22 highly erodible and also susceptible to landsliding on
23 drainages. That was the testimony that was given at your
24 Board meeting. Now, he's one of the people that's worked
25 on this project along with Al Cornwell of Stuber Stroen.

1 And at the time, there was a presentation of our
2 plans to remove the tires last summer, which was our wish.
3 That's what we really wanted to do. And the engineer in
4 that same portion of his testimony stated that the plans
5 called for leaving a significant number of tires in place.
6 And, in fact, that's what the plans say. And as we
7 pointed out at the Committee meeting last week, for
8 reasons that I can't explain, the specific plans on my
9 site didn't make way to your staff. But more importantly,
10 we were not able to get a contractor after the August date
11 who would commit to doing the remediation by the end of
12 the year.

13 And as you can see from those photographs that I
14 gave you, it's pretty clear by looking at them there are
15 loose tires on top of the pile. What we don't know, what
16 nobody knows, what we probably won't know until somebody
17 gets in there and digs is exactly what's under them. We
18 just have no idea. And Mr. Lee indicated we had not made
19 a time commitment for getting the tires out. And I'm here
20 today to tell you we are willing to make a time
21 commitment. We're going make a time commitment. This is
22 the timetable that I understand we can live with.

23 I understand from your Board staff that the Board
24 staff and the Board would like all the tires to come out.
25 And we're going to do that as long as the consultants say

1 that can be done. If it turns out that the engineers or
2 the other consultants or the environmental people say
3 there's something underneath here that doesn't allow that,
4 some tires have to stay there, it's kind of out of our
5 hands. We can't do anything about that and we're going to
6 try to find out what they have to say. But the current
7 plans that are in existence and the current plans upon
8 which the permit is based have to be revisited.

9 Mr. Cornwell was here last week, and he explained
10 that to you. I'm told that that process will take
11 anywhere from 30 to 45 days from the time that the
12 contract with him is amended, and I will commit to getting
13 that done as soon as possible.

14 I was unaware that your Board did not have the
15 environmental documents. I have asked our representative,
16 the RCD, to give over all the environmental documents for
17 our site. We want you to have everything that exists. I
18 understand that the CEQA consultant has to re-review this
19 in light of the fact that the plans have been changed.
20 Hopefully, that's not going to result in anything other
21 than what exists today, which I understand is a
22 categorical exemption. I understand that Mr. Cornwell
23 wants to have the geotechnic consultant review the revised
24 plans. I don't know what that period of time is going to
25 take.

1 We have had discussions ongoing with three
2 different contractors since last fall, which is MH
3 Excavating, Inc, Mike Hardester's firm; Mario Ghilotti
4 from Ghilotti Brothers; and another contractor, Matteri
5 Construction have all expressed interest in doing this
6 project, and we've had bids from them based on the current
7 plan of \$380,000 to \$400,000. That may change if there's
8 more coming out of the hole than was originally
9 anticipated, then the remediation may be a larger project.
10 And if it costs more, it costs more. It's just going to
11 be an expense that's associated with changing the plan at
12 this point.

13 I think it's very optimistic to think that if
14 you're meeting in April or around this time that we'd have
15 all those reports done for that meeting. I don't think
16 that can happen. I think the more likely scenario is that
17 it's going to be before you in May. It would be our goal
18 that we would start work on this no later than August the
19 first. I personally want to be here when this is
20 happening, and I'm going to be out of town for three weeks
21 from June 16th to July 9th with my family on vacation. I
22 would hope that we'll be in a position to be in cost
23 recovery negotiations through your counsel sometime
24 towards the latter part of May, first part of June. And
25 we're told by the remediation contractors they need four

1 to five weeks. So if the tire removal process were
2 commenced sometime the end of July or beginning of August,
3 we would be finished by September 15th.

4 That's more or less the game plan. Being able to
5 do that means completing the cost negotiated recovery,
6 being able to get the permits, being able to get the job
7 done without interference from any agency that says you
8 can't do this or you can't do that.

9 I'm happy to answer any questions.

10 CHAIRPERSON BROWN: I'll hold my questions for
11 the end.

12 Member Wiggins.

13 COMMITTEE MEMBER WIGGINS: I think when you
14 testified last week that you talked about initially that
15 the landowner went out to remove all the tires. And as
16 they dug, they unfolded -- or they never reached the
17 bottom. It wasn't what they -- can you expand on that?
18 In other words, they started taking tires out thinking
19 that it was, you know, the superficial layers of tires,
20 and it ended up it was a bottomless pit.

21 MR. IDELL: We didn't know whether it was a
22 superficial layer or what. If you have the photograph
23 there, you can see these are tire piles that are in a
24 depression in the land. And we were going on what we had
25 been told, which was that there were approximately 70,000

1 tires in there. Seemed like a manageable number. And
2 Mr. Lloyd Buck is here with me if we need any more detail
3 on this. But my understanding is that the 140,000 tires
4 that were there were more or less on top of the pile and
5 made the pile higher. So they went in there and took as
6 many as they could handle at a time, and it made some dent
7 in it. But when they reached twice as many as they had
8 been told, they realized they had a bigger problem on
9 their hands than they had anticipated when they bought the
10 property. If that answers your question.

11 COMMITTEE MEMBER WIGGINS: Yes.

12 CHAIRPERSON BROWN: Any other Board member
13 questions at this time?

14 Let me just clarify for the record with you,
15 Mr. Idell -- and I appreciate your coming forward with an
16 estimated timetable at this time and how we might be able
17 to move forward on this in a timely manner this summer.

18 I think what we need -- the place where we need
19 to start is with the mutual understanding that the
20 agreement is to remove all of the tires and the erosion
21 control plans need to reflect that. We will grant staff
22 the opportunity during the process of removal the latitude
23 to leave a layer or possibly two there as necessary for
24 erosion control. But I think we will come to this
25 loggerhead again if we don't have that specific

1 understanding at this point that the agreement is to
2 remove all of the tires.

3 MR. IDELL: With all due respect, I don't think
4 we're at a loggerhead. I don't think we've ever been at a
5 loggerhead with my client.

6 Our understanding was -- and we were part of a
7 group that was moving forward. We hired the same
8 engineers. We hired the same consultants, because it was
9 cheaper to do that. And it was our collective
10 understanding and the understanding of those engineers
11 that when they discussed at your Board in August of 2005
12 the plans which reflected leaving a significant number of
13 imbedded tires in place and covering them, that that
14 was -- we were on the same page as staff. I now realize
15 that we weren't.

16 CHAIRPERSON BROWN: Okay.

17 MR. IDELL: It is our desire --

18 CHAIRPERSON BROWN: I apologize if loggerhead was
19 not an appropriate word. I apologize. But I think that
20 we do have an understanding now, and I know that
21 Mr. Cornwell was at the meeting last week, the Committee
22 meeting. So I think we do have an understanding.

23 So what we can expect from you and Mr. Cornwell
24 is possibly not at our April 11th Board meeting, but by
25 our May Board meeting to have the erosion documents

1 necessary and those possibly will have been reviewed by
2 the Sonoma County Permits Department as far as the erosion
3 control plan.

4 MR. IDELL: Let me put that question aside. I'll
5 answer it directly in a minute, because I want to finish
6 what I was saying.

7 As you can see from the photographs, you have to
8 be a wizard to know what is at the bottom of that pile.
9 We do not want a single solitary tire to remain there if
10 every single solitary tire can be removed. We would
11 prefer to have a piece of property that didn't have any
12 tires on it. That's what we're going to do. But if turns
13 out there's something at the bottom of that pile that
14 requires a different way of doing things, then we're going
15 to have to address that.

16 We do not want to have a situation where tires
17 are left at the bottom of the pile one or two layers just
18 for the sake of leaving one or two layers at the bottom of
19 the pile. That makes no sense to us whatsoever. From a
20 landowner's point of view, we'd just as soon not have this
21 issue going forward at all.

22 And then your question was whether or not we'd be
23 able to get the permit -- sorry. I forgot the question.

24 CHAIRPERSON BROWN: Well, I believe you already
25 have the grading permit. And staff has indicated that you

1 don't need an amended permit if the erosion control
2 measures, whether it's usage of tires or soil, remains
3 intact. So you don't need a new permit. I think what
4 we're waiting for is Mr. Cornwell's amended erosion
5 control plans.

6 MR. IDELL: I think what I have been told is it
7 has to be re-reviewed by PRMD, but they won't have to go
8 through the process again. If that's correct, that's
9 fine. I'm happy with that.

10 CHAIRPERSON BROWN: I think what you've said is
11 exactly what our understanding is, is that the erosion
12 control plans will show the removal of all the tires.
13 Once they are being removed, if there is a need at all for
14 any tires to remain, then that will be the discretion of
15 the staff at that time.

16 MR. IDELL: Yeah.

17 CHAIRPERSON BROWN: We'll anticipate then seeing
18 you at our May Board meeting and then hopefully moving
19 forward on the timetable that you've laid out.

20 And I was going to say, and then staff can
21 continue in the process under the agreement with the
22 negotiated cost recovery in the process once the documents
23 are provided to staff in a timely manner. So I think, as
24 you indicated, there are steps that need to be taken, so
25 we'll anticipate that.

1 MR. IDELL: We'll be in touch with your staff.
2 If there's any acceleration of the timetable, then we'll
3 let you know that. And if it's possible to be in front of
4 you in April, which I may find personally difficult
5 because I will be in trial -- but if we can, then we will.
6 And if it's in May, fine. If it has to be delayed for
7 some reason, we'll let you know the reason. We want to
8 get this done this summer. We do not want this to go
9 beyond this year. We are making a commitment to get this
10 done, and we appreciate your consideration and look
11 forward to getting it done.

12 CHAIRPERSON BROWN: Mr. Idell, thank you very
13 much. I certainly appreciate that.

14 Do we have any further questions from the Board?
15 Thank you, Mr. Idell. Appreciate that.

16 And our last speaker on this item is Leandra
17 Swent, South Sonoma County Resource Conservation District.

18 MS. SWENT: Good afternoon. Again, my name is
19 Leandra Swent. I'm the District Manager with Southern
20 Sonoma County Resource Conservation District. And I'll
21 reiterate a few things. I don't want to take too much of
22 your time, because most of you have heard this before.
23 But I did want to reiterate what Member Wiggins said
24 earlier. These tires were placed for erosion control on
25 agricultural land as recommended before the law in 1992

1 occurred. Many of them were placed actually in the '60s
2 and '70s and were doing erosion control very well
3 throughout that time.

4 The other thing that I wanted to also reiterate,
5 which I mentioned last week, was that both the Department
6 of Fish and Game and your sister agency, the Regional
7 Water Quality Control Board, requested at that meeting
8 that we had in October of 2003 with your staff and the
9 landowners that an alternative showing tires remaining in
10 place that were imbedded or stabilizing the hillside be
11 brought forward to the agencies for permitting processes
12 and be considered mainly because of the listing of the
13 Petaluma River which is listed for impairment due to
14 sedimentation and other pollutants. That river being
15 downstream of all of these sites that -- not all of the
16 sites, but all of the sites in the Southern Sonoma County
17 Resource Conservation District area. So I wanted to
18 reiterate that just to remind you.

19 Also Mr. Silacci touched on this, but I want to
20 say more about the cost incurred by him to date. By the
21 time that he finished the restoration at the end of the
22 year, the current restoration project, he has expended
23 approximately \$300,000 of his own finances. What the cost
24 of the next restoration will be we don't know until we
25 have that designed and get bids for it, unfortunately.

1 But as you're well aware, this has been a significant cost
2 to him and the other landowners that had to do the
3 restoration.

4 The RCD's goal all along, we've been working on
5 this project, myself personally since 1997, other staff
6 people have been working since 1992 with Mr. Silacci in an
7 effort to get these projects done, but in a manner that
8 didn't put an undue burden on these landowners
9 financially. And that's still our goal. I have to admit
10 we are all desperately anxious to get these sites done as
11 soon as possible. And I think we're all going to move in
12 that direction as quickly as possible. And I would like
13 to assure you that that's my goal.

14 So I think that I will leave it at that for the
15 time being. Thank you.

16 CHAIRPERSON BROWN: Any Board members have any
17 questions of Ms. Swent?

18 I have a question. With respect to the CEQA
19 documents on the other three sites, I know we have a
20 categorical exemption on United Portfolio. What is the
21 status of the CEQA documents on the other three projects
22 since we had discussed those specifically at the Committee
23 meeting?

24 MS. SWENT: What I have sent to Mr. Lee is what
25 we have to date on all the sites. He has received all of

1 the studies that were done for the endanger species,
2 endangered plants, the archeological cultural resources
3 review and the initial checklist, the draft study
4 checklist. We were in the process of putting together a
5 mitigated neg dec for the three sites remaining. However,
6 that mitigated neg dec is actually related to some of the
7 tires, the majority of the tires staying in place, as we
8 had planned. So the mitigated negative dec needs to be
9 rewritten. I don't anticipate that that will be a lengthy
10 process. Our CEQA consultant is quite able to do that in
11 a timely fashion as soon as we have a new plan designed
12 and a new project description.

13 CHAIRPERSON BROWN: You can do a neg dec?

14 MS. SWENT: Mitigated neg dec.

15 CHAIRPERSON BROWN: With endangered species on
16 the property?

17 MS. SWENT: The mitigated neg dec is for the
18 Floccini site, which does not have any. None were found
19 on site. They are in critical habitat. The mitigated neg
20 dec will be for us to move forward with a biological
21 consultant on the site, sweeping the site prior to -- this
22 is what also happened at the Silacci site -- sweeping the
23 site prior to construction and during construction and
24 also informing the consultants, the contractor on site
25 what to do if a site is found -- if a frog is found.

1 CHAIRPERSON BROWN: So you're doing a mitigated
2 neg dec on Floccini. What about the CEQA documents for
3 Infineon?

4 MS. SWENT: The CEQA documents for Infineon are
5 actually being done by another consultant. The Raceway
6 itself has hired their own consultant to be doing that.
7 And as I understand, they're moving forward quickly.
8 They've been meeting with them, and they are supposed to
9 be supplying you with all their information separately.

10 CHAIRPERSON BROWN: Are they supplying that
11 directly to us or through you?

12 MS. SWENT: They were going to supply any
13 additional information that I did not have directly to Jim
14 Lee.

15 CHAIRPERSON BROWN: The materials that I reviewed
16 that were provided to Jim was an environmental checklist.
17 It didn't include any preliminary CEQA documents which you
18 have referred that these landowners are working with a
19 CEQA consultant. And Infineon has their own CEQA
20 consultant?

21 MS. SWENT: Yes, they do.

22 CHAIRPERSON BROWN: And has the CEQA process
23 begun?

24 MS. SWENT: As I understand, they have started
25 documentation. We have not started any lead agency action

1 on this.

2 CHAIRPERSON BROWN: What about in Floccini?

3 MS. SWENT: Floccini, the mitigated neg dec is
4 what I'm referring to. It was in a draft form showing
5 tires staying in place. But now that tires are not
6 staying in place, we need to move forward with changing
7 that mitigated neg dec.

8 CHAIRPERSON BROWN: And what is your timetable on
9 completing the mitigated neg dec on Floccini? What I'm
10 trying to determine, Ms. Swent, is Mr. Idell gave us an
11 anticipated timeline for moving forward on his project
12 this year. I'd like the same thing on the other three
13 remaining sites, or at least a timetable on providing
14 staff with the CEQA documents and when you anticipate
15 moving these three projects forward. So we can --

16 MS. SWENT: I do not have a timetable in my hand.
17 I can certainly provide the staff with one after talking
18 to the consultants. I have not met recently with
19 Infineon's consultants, so I don't know what their
20 timetable is. As you're aware, they do have the
21 red-legged frog, and that's going to be a much more
22 cumbersome process. I know they have been in verbal
23 communication with U.S. Fish and Wildlife Service
24 concerning this and trying to ascertain what project
25 description will be acceptable to them.

1 CHAIRPERSON BROWN: Okay.

2 MS. SWENT: As far as --

3 CHAIRPERSON BROWN: I'm sorry.

4 MS. SWENT: As far as the Floccini site goes, I
5 would love to see it happen this summer. I don't want to
6 make that promise. We had a timetable that we provided to
7 you, and I provided to you last week that showed the worst
8 case scenario for some of these sites would be completion
9 in 2007.

10 Having said that, I don't anticipate much time
11 constraints in getting the actual CEQA documents
12 completed. What I consider the time constraints are we're
13 going to have to have extensive geotechnical surveys done
14 out on Floccini site now relative to having all the tires
15 removed. I have been in conversations with Bob Fujii
16 about that, and he anticipates that your staff would be
17 reviewing those geotech surveys before we move forward on
18 that.

19 I'm very concerned, as I expressed last week, the
20 concept of removing all the tires at that site, and I want
21 to be very certain before any of us move forward that it's
22 a safe situation out there for all concerned.

23 Having said that, again, I would like to be able
24 to give you everything this summer, but I cannot guarantee
25 it. It's relative to how quickly we can get a geotech

1 completed. They can typically take two months. The
2 weather right now is certainly an issue. The saturation
3 of the soil is a huge issue out there. And when they can
4 get out to the site and actually perform those
5 geotechnical surveys I'm not sure.

6 CHAIRPERSON BROWN: Thank you.

7 I think you can understand this is an extremely
8 high priority of this Board is to complete this cleanup.
9 And I think there is a general frustration on staff's
10 part, which is also on the part of many Board members,
11 that we seem to continue to have these same discussions
12 month, year. And we're still having these discussions.
13 As you indicated, you've been working on this since 1997.

14 I certainly can appreciate there are complex
15 erosion control issues. There's engineering difficulties
16 that need to be discussed. But we seem to still be
17 discussing them, and we don't have a timeline for moving
18 these projects forward.

19 Again, I will tell you we are extremely pleased
20 that Mr. Idell came forward with an anticipated timeline
21 to complete his project this year. And I would like to
22 request that we look and have staff work with you directly
23 over the course of the month to provide an anticipated
24 timeline that we can work with by our April Board meeting
25 on the other three sites. You know, mitigated neg dec is

1 just a matter of a couple months. I mean, these things
2 keep being discussed and then documents are in the works
3 and there's consultants, and we need 30 to 45 days on
4 erosion control and then we need to study this.

5 I don't think anyone at this dias wants to have
6 this discussion again next September about why we cannot
7 move these projects forward. And if we need to look at
8 the option of redesignation of a lead agency, then maybe
9 that's something we're going to have to look at in the
10 early or middle part of the summer.

11 So I would like staff to please work with
12 Ms. Swent over the next couple of weeks to work on a
13 proposed or anticipated timeline on the three remaining
14 projects on what the Board can look at as an anticipated
15 moving of these three sites for cleanup.

16 Do we have any comments from any other Board
17 members?

18 Member Mulé.

19 BOARD MEMBER MULÉ: Thank you, Madam Chair.

20 I guess one of the things that I'm confused about
21 is I'm hearing different things from different parties.
22 I'm hearing our staff indicate that they have repeatedly
23 stated that all the tires were to be removed at these
24 sites. I'm hearing Leandra and others say it was their
25 understanding that just the top layer or just a few tires,

1 not all of them were to be removed.

2 One of my former employers used to have a saying,
3 "If it ain't written, it didn't happen." And so I'm going
4 to pose a question to staff, have we ever provided written
5 documentation which clearly outlined what our expectations
6 were to these landowners?

7 STAFF COUNSEL LEVINE: Besides the oral
8 conversation which I did relate at the last Committee
9 meeting and is reflected in the addendum, I believe in a
10 way there is a writing on this. And I wasn't going to
11 belabor it -- by the way, Steve Levine, Legal Office.

12 I wasn't going to belabor it, because I did go
13 into some length of it at the Committee meeting, and there
14 is an addendum now published with the item on it. But
15 it's published and it's in the transcript. And so I can
16 just refer to the published transcript again which
17 reiterated these earlier discussions.

18 It was a statement by staff, by me actually, at
19 the August 2005 Board meeting in direct response to the
20 inquiry by Mr. Cornwell at that August meeting which
21 frankly was very similar to the inquiry of Mr. Cornwell at
22 last week's Committee meeting about leaving a top layer of
23 tires and then removing the rest. And I won't read the
24 whole thing again. It is in the addendum.

25 But I did clarify right after his speech that

1 what we had talked about was a bottom layer of tires. And
2 significantly what I really want to emphasize, and it is
3 in writing, working with the engineers. And that's where
4 I think unfortunately there may have been a lack of
5 meeting of the minds. I remember distinctly, and it's an
6 oral thing from February of '05, saying the engineers have
7 to figure it out. As we have tried to clarify, and
8 Mr. Lee went to great pains to try to articulate this, in
9 the real world situation, we did see sites such as the
10 Beebe Family Ranch where because of the way the water
11 flowed, the tires were so wholly silted in with all voids
12 filled, there was an option of leaving more than just a
13 layer or two of tires there. That landowner elected not
14 to pursue that option. Did not cause any environmental
15 issues to never the less remove those. But there is that
16 writing from August in the transcript. And so that will
17 be responsive.

18 BOARD MEMBER MULÉ: So that's the only written
19 documentation that we have is the verbal conversations
20 that took place at Board and/or Committee meetings?

21 STAFF COUNSEL LEVINE: Yes. That reiterated what
22 was said in the fall of 2003 and then again in February of
23 '05 where again there was orally opened the door, but
24 there was again the engineers.

25 And one last point on the engineers. In

1 furtherance of this as Mr. Cornwell works, for instance,
2 on the Universal Portfolio site, our employees, Albert
3 Johnson, will be meeting directly with Mr. Cornwell.
4 Mr. Idell raised a good point. We want to make sure given
5 the circumstances at the site we know what to expect and
6 how it will work. It's been said on the record here.
7 Albert will be meeting directly with Mr. Cornwell and
8 hopefully there will no ambiguity when we get into the
9 real world situation.

10 BOARD MEMBER MULÉ: So now moving forward, we all
11 have an understanding. Leandra, you understand that all
12 of these sites, what we expect in terms of cleanup. Do
13 you understand?

14 MS. SWENT: I understand.

15 BOARD MEMBER MULÉ: Could you repeat -- could you
16 tell me what you understand then?

17 MS. SWENT: Well, what I understand from you and
18 what I understand from staff may be two separate things,
19 so I would like to have that clarified.

20 I understand that at the Universal Portfolio site
21 or any of the sites that you want the majority of tires
22 that can come out, preferably all of them, except if it
23 shows they are needed for erosion control. I frankly do
24 not believe that two layers of tires will be doing erosion
25 control. I believe that if you get down to two layers,

1 take them all out. There's no reason to leave them there.

2 BOARD MEMBER MULÉ: But your understanding is we
3 expect all the tires to be removed?

4 MS. SWENT: Yes. Having said that --

5 CHAIRPERSON BROWN: Can I interject, Leandra? I
6 apologize. Because I specifically had this with
7 Mr. Idell.

8 What the discussion was and the understanding has
9 to be that the agreement is to remove all of the tires.
10 There should be no misunderstanding at this point. During
11 the process --

12 MS. SWENT: I get it.

13 CHAIRPERSON BROWN: -- and erosion control
14 measures should show every tire is being removed. That
15 being said, during the process of removal, staff with the
16 consultation of the engineer may determine at their own
17 discretion that a layer or two may be left.

18 MS. SWENT: I understand that. I'm very clear on
19 that.

20 CHAIRPERSON BROWN: Thank you.

21 MS. SWENT: Having said that I'm clear on that,
22 I'm also wanting once again to pose the real concern I
23 have on the Floccini site and those buried tires. But I
24 can say that until the cows come home, it will be up to
25 your ERRG or whoever the contractor is at that point in

1 time to determine the safety for his staff and his
2 equipment moving those tires out of that ravine. So I
3 fully understand at this point.

4 I want to really express my frustration. I
5 understand that you all are really frustrated. But please
6 keep in mind we have dealt with numerous Boards that have
7 changed almost annually on us. We have dealt with
8 numerous staff people on your side that have changed
9 regularly. The consensus of the Board has changed as to
10 what they were going to do with these sites over the
11 years. We have played yo-yo and boomerang on these
12 projects for almost 13 years. It's only been recently
13 that we've had very clear direction from your Board. I
14 believe that 2003 when you heard this was the first time
15 that the Board actually heard this about these projects
16 and actually took action. Prior to that, we were dealing
17 with your staff. And it was a very frustrating process,
18 and we are all tired and willing to move on and wanting to
19 get this done as soon as possible.

20 CHAIRPERSON BROWN: Thank you. Mr. Lee, would
21 you like to respond to the comments?

22 DEPUTY DIRECTOR LEE: Yes, I would. Thank you,
23 Madam Chair.

24 First of all, again staff clearly heard your
25 elaboration on exactly the criteria for which tires can be

1 left there. And essentially, they need to be all coming
2 out with very minor exceptions which are at the discretion
3 of staff. We appreciate that.

4 We will attempt to work very closely with the RCD
5 in these next few weeks to be able to report back to the
6 Board in April with regards to whether or not we feel we
7 can move those projects forward, given the state of the
8 environmental documentation that we have right now.

9 With regards to this Universal Portfolio site, we
10 were very encouraged to hear Mr. Idell's reiteration and
11 affirmation of his commitment to cleanup this site this
12 year. We noticed he has talked about an August 1 start
13 date. I think in discussion with my engineers, I think
14 that's certainly doable by then. But we strongly
15 encourage starting that earlier in the summer and making
16 the necessary adjustments in their reports and their time
17 schedules in order to accommodate that.

18 Mr. Idell's already mentioned again there may be
19 some contingencies on the site. We all want to plan for
20 that. We don't want to be up against the gun with the
21 rains coming in October. So again as I mentioned in my
22 remarks, we believe that most of the variables -- in fact,
23 all of the remaining variables in the site are under the
24 control of the landowner and their contractor at this
25 particular juncture. We don't see significant

1 environmental or permit issues with this if all they're
2 doing is replacing the tires. So, again, we would
3 encourage his efforts to expedite that schedule earlier
4 than August the 1st. But, otherwise, we do very much
5 appreciate in his reaffirmation of cleaning up the tires
6 this year.

7 CHAIRPERSON BROWN: Thank you, Mr. Lee.
8 Mr. Levine.

9 STAFF COUNSEL LEVINE: Thank you. Just in
10 furtherance of Mr. Lee's remarks, I believe Mr. Idell
11 mentioned he would be returning from his other activities
12 around mid-July, July 9th. I know he'll be swamped with a
13 lot of things. And I do appreciate the fact he wants to
14 be hands on and be there during the remediation. But if
15 it's at all possible to shoot for a mid-July starting date
16 than an early August -- one of the frustrations we all had
17 was the sites last year didn't start until mid to late
18 August at the earliest, and it did put a strain on staff
19 and trying to assure. And also it would be nice to get
20 that vegetation and seeding done earlier in the summer so
21 that it's more in place when the rainy season starts.
22 That's just a request. Maybe if we can bump it to
23 mid-July, that would be greatly appreciated.

24 CHAIRPERSON BROWN: Thank you for those comments.
25 I think Ms. Gerbosi would agree that her site starting

1 earlier in the summer allowed the vegetation more time to
2 progress and provide greater erosion control.

3 Are there any further comments by the Board?

4 Member Mulé.

5 BOARD MEMBER MULÉ: I just have a request of
6 staff. And I really don't want to put any more work on
7 you. But I just think in everyone's best interest if you
8 could provide us with a monthly report, an update site by
9 site where we're at and, you know, make it as detailed as
10 you want. But I just think it's important that, you know,
11 again this is a very, very important issue for all of us
12 here at the Board. And just as the rest of the members
13 want to see this thing completed, get these sites cleaned
14 up and let's move on. But I think it would be very
15 valuable for all of us to have a monthly update if that's
16 okay with the rest of the Board members on a status report
17 on each of the sites, where we are in terms of, you know,
18 plans, CEQA documents, et cetera.

19 DEPUTY DIRECTOR LEE: Not a problem. That was
20 already in the process, and I concur with that as an
21 excellent suggestion.

22 CHAIRPERSON BROWN: Thank you.

23 Member Peace, did you have any questions?

24 COMMITTEE MEMBER PEACE: Mr. Silacci came here to
25 ask us if we as a Board would be willing to reconsider his

1 cost recovery agreement. I believe Mr. Levine said that
2 we could do that, but it should be after the restoration
3 is complete or after restoration plans are complete.

4 STAFF COUNSEL LEVINE: Steven Levine from the
5 Legal Office.

6 Well, clearly at a minimum we would need to have,
7 as we've said in all these cases, the bids from the
8 restoration contractor with the estimate of how much the
9 work is to cost. Once we have that, arguably, you know,
10 at that early stage there could be some discretion at this
11 Board to reconsider negotiated cost recovery at that
12 juncture.

13 Obviously, there's been a commitment by
14 Mr. Silacci that we all appreciate that in addition to
15 assuring that the original work was done to plan, and
16 we're going to get the final confirmation on that riprap
17 issue, so that doesn't seem to be an issue, that in
18 addition to that, he is going to provide some assurances
19 that the additional work that's needed because of the
20 100-year storm is going to be done.

21 So I guess it would be a question of the
22 discretion for the Board whether to consider negotiated
23 cost recovery right when they get the estimated bids,
24 after the work is completed, or a third option is to
25 consider it right after he gets the estimated bids but say

1 that any additional cost recovery increase waiver if there
2 is one will be contingent on the successful restoration
3 work done. So there are a number of options the Board
4 would have in that regard.

5 COMMITTEE MEMBER PEACE: I guess I'd just like to
6 give him some assurance at least from my point of view we
7 would be willing to consider.

8 STAFF COUNSEL LEVINE: For instance, that third
9 option would be an option where -- I don't see how we can
10 do it without the restoration bid. But once he provides
11 us with the restoration bid, one option is for the Board
12 to at that point deliberate on increase in the waiver of
13 cost recovery at that site and then provide Mr. Silacci
14 with the results of those deliberations and make the
15 additional waiver contingent on his successful further
16 remediation of his site.

17 COMMITTEE MEMBER PEACE: You'll work with him on
18 that and let us know how things progress?

19 STAFF COUNSEL LEVINE: I'd be happy to.

20 CHAIRPERSON BROWN: Any further questions from
21 the dias?

22 Member Wiggins.

23 COMMITTEE MEMBER WIGGINS: The documentation from
24 the RCD, we never saw any of that checklist or CEQA
25 documents or whatever?

1 DEPUTY DIRECTOR LEE: It wasn't provided until
2 late Friday afternoon, despite repeated requests in the
3 previous months.

4 COMMITTEE MEMBER WIGGINS: Well, as I understand
5 it, there was more than a checklist.

6 DEPUTY DIRECTOR LEE: There were some initial
7 biological studies that had been completed in 2003-2004
8 that are kind of preliminaries to doing some of the CEQA
9 work. Those reports were submitted. Our consultants are
10 reviewing it. But I think what was not submitted was, you
11 know -- the only actual CEQA document that was prepared
12 was the draft initial environmental checklist, which again
13 is like a precursor, you know, to really -- basically,
14 it's the kick off for the whole CEQA process.

15 COMMITTEE MEMBER WIGGINS: Thank you.

16 MS. SWENT: I'd like to clarify those studies we
17 sent to Mr. Lee on Friday actually included focused
18 surveys that had to go for a year regarding the red-legged
19 frog. So some of them were not completed until September
20 of 2005 and they're dated on the documents that he has.

21 CHAIRPERSON BROWN: Thank you.

22 Any further questions from the Board? Any other
23 Board comment regarding any agenda item? Seeing none,
24 this meeting is adjourned.

25 (Thereupon the California Integrated Waste

1 Management Board, Board of Administration

2 adjourned at 1:17 p.m.)

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing hearing was reported in shorthand by me,
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the
8 State of California, and thereafter transcribed into
9 typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said hearing nor in any
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 24th day of March, 2006.

15

16

17

18

19

20

21

22

23 TIFFANY C. KRAFT, CSR, RPR

24 Certified Shorthand Reporter

25 License No. 12277